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CHAPTER XXIX.

RULES, BY-LAWS, REGULATIONS AND STANDING ORDERS.

Rules in Schedule to be part of the Act.

453. The Rules in [1][Schedule D] as amended from time to time shall be deemed to be part of this Act.

Alteration of and additions to Schedule.

454. The Corporation may add to [2][Schedule D] Rules not inconsistent with the provisions of this Act (which expression shall in this section be deemed not to include the said Schedule) to provide for any matter dealt with or for any of the purposes specified in the said Schedule; and may, subject to the same limitations, amend, alter or annul any rule in the said Schedule :

Provided that, if any rule regulating the punishment of an offence is altered or amended, the punishment awarded under such altered or amended rule shall not exceed the maximum provided in section 468.

Power to make rules subject to sanction of [3][State] Government.

455. (*1*) The power to make, add to, alter or rescind any rule under section 454 shall be subject to the sanction of the [3][State] Government and to the condition of the rules being made after previous publication.

(*2*) All rules made under section 454 shall be finally published in the *Official Gazette*, and shall thereupon have effect as if enacted in this Act.

(*3*) In addition to the publication required under sub-sections (*1*) and (*2*), the Corporation may determine in each case what further publication, if any, is required for rules made or proposed to be made.

Power of [3][State] Government to make rules.

456. (*1*) The [3][State] Government may at any time require the Corporation to make rules under section 454 in respect of any purpose or matter specified in section 457.

(2) If the Corporation fails to comply with such requisition within such reasonable time as may be fixed by the [3][State] Government, the [3][State] Government may, after previous publication, make such rules and the rules so made shall, on final publication in the *Official Gazette*, have effect as if enacted in this Act.

Special power of State Government to make rules.

[4][**456A.** (*1*) Notwithstanding anything contained in sections 454 and 456, the State Government may, by notification in the *Official Gazette*, make rules consistent with the provisions of this Act generally to carry out all or any of the purposes of this Act. Such rules may provide for charging of fees for any of the purposes of this Act:

[5][Provided that, no rules in respect of any matter relating to the preparation of electoral rolls and conduct of elections shall be made without consultation with the State Election Commissioner.]

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1 The word and letter were substituted for the words "' the Schedule" by Mah. 3 of 1996, s.6.

2 The word and letter were substituted for the words "the Schedule", *ibid*., s.7.

3 This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

4 Section 456A was inserted by Mah. 41 of 1994, s.76.

5 This proviso was added by Mah. 5 of 1995, s.5.

(*2*) All rules made under this section shall be subject to the condition of previous publication :

[1][Provided that, if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the requirement of previous publication of the rules to be made under this section, for the purposes of conduct of elections, under this Act.]

(*3*) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette,* the rule shall from the date of publication of such notification have effect only in such modified from or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.]

Matters in respect of which rules may be made.

457. In particular, and without prejudice to the generality of the powers conferred by section 454, rules made thereunder may provide for or regulate all or any of the following purposes and matters, namely :–

(*1*) *Ward elections .—*

[2] * * * * * * * *

[3][(*b*) the maintenance of the Municipal Election Roll and the preparation, publication and sale of copies thereof;]

(*c*) the nomination of candidates, the form of nomination papers, objections to such nominations, and the taking and return of deposits from and to candidates ;

(*d*) the date, time and place of ward elections and the management of contested ward elections ;

[4]* * * * * * * *

(*f*) the mode of voting and the form of ballot paper ;

(*g*) the counting of votes, the declaration of results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one ward ;

(*h*) the custody and disposal of papers relating to ward elections ;

(*i*) any other matter relating to ward elections for which it may be expedient to provide.

(*2*) *Proceedings of Corporation and Committees and conduct of business.—*

(*a*) the time and place of meetings of the Corporation, committees and sub-committees;

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1 This proviso was added by Mah. 8 of 2002, s.7.
2 Clause (*a*) was deleted by Mah. 20 of 1980, s. 10.
3 Sub-clause (*b*) was substituted for the original by Mah. 34 of 1965, s. 9(*b*).
4 sub-clause (*e*) was deleted, *ibid.,* s. 9(c).

(*b*) the manner in which notice of such meetings shall be given ;

(*c*) the quorum necessary for the transaction of business at such meetings ;

(*d*) the management and adjournment of such meetings, and the regulation of orderly conduct of business thereat, including the withdrawal or suspension of members guilty of disorderly conduct;

(*e*) the submission, asking and answering of questions at meetings of the Corporation;

(*f*) the constitution of Special Committees ;

(*g*) the keeping of minutes and the submission of reports of meetings of the Corporation, committees and sub-committees ;

(*h*) the delegation of the powers of the Standing Committee to sub-committees ;

(*i*) the payment of conveyance charges to the Chairman and Members of the Transport Committee for attendance at meetings thereof;

(*j*) any other matter relating to the proceedings of the Corporation, a committee or a sub-committee, the holding and regulation of meetings, the conduct of debate, the inspection of minute-books and the supply of copies of minutes to Councillors or other persons on payment of fees or otherwise.

(*3*) *Municipal Officers and Servants.*—(*a*) The qualifications necessary for and the method of appointment to posts the power of appointment to which vests in the Corporation ;

(*b*) the mode of appointment to other posts ;

(*c*) the powers and duties of the municipal Chief Auditor and his staff;

(*d*) the determination of the services under the Municipality to be treated as essential services for the purposes of Chapter V.

(*4*) *Contracts.*—(*a*) The manner in which contracts may be executed ;

(*b*) the security to be demanded for the due performance of contracts;

(*c*) the calling, examination and acceptance of tenders ;

(*d*) the procedure to be followed in disposing of the property of the Corporation ;

(*5*) *Special Funds.*—The constitution, maintenance and disposal of special funds within the Municipal Fund or the Transport Fund.

(*6*) *Budget Estimates.*—(*a*) The classification of budget estimates of expenditure according to budget heads ;

(*b*) the manner of making reductions in or transfers from one budget head to another or within a budget head.

(*7*) *Municipal Taxes.*—(*a*) The assessment and recovery of municipal taxes;

(*b*) the conditions on which refunds of municipal taxes shall be allowed;

(*c*) in respect of a tax leviable under sub-section (*2*) of section 127, the matters referred to in sub-section (*1*) of section 149.

(*8*) *Drainage.*—(*a*) The construction, maintenance, improvement, alteration and discontinuance of drains ;

(*b*) the conditions and restrictions to be observed with reference to drains ;

(*c*) the conditions for connections with municipal drains ;

(*d*) the conditions on which occupiers of trade-premises may discharge any trade effluent into municipal drains ;

(*e*) the conditions to be observed in erecting or affixing ventilation shafts or pipes under section 175 ;

(*f*) the manner in which samples of trade-effluent shall be analysed;

(*g*) the construction, position and maintenance of water-closets, privies, urinals, bathing places or washing places.

(*9*) *Water Supply.*—The terms and conditions of the supply of water to buildings or other premises.

(*10*) *Streets.*—(*a*) The information and documents to be furnished in connection with the lay-out of lands for buildings and private streets;

(*b*) the definition of sky-signs;

(*c*) the naming or numbering of streets and public places and the numbering of [1][premises].

(*11*) *Regulation of buildings.*—(*a*) The manner in which further information and documents in regard to the erection of, or additions to, alterations in, or repairs of, buildings shall be supplied ;

(*b*) the conditions to be observed in commencing, carrying out, and completing building work and in occupying buildings on completion of works ;

(*c*) the restrictions under which alterations may be made in the use of buildings;

(*d*) the inspection of newly constructed buildings ;

(*e*) the conditions on which loans may be granted out of the Municipal Fund for building and the form of application for such loans.

(*12*) *Fire Brigade.* —The powers exercisable by the chief or other officer of the municipal fire brigade on the occasion of a fire.

(*13*) *Sanitary provisions.*—(*a*) The furnishing of information regarding the number of occupants in buildings;

(*b*) the removal and disposal of filth, rubbish and polluted and excrementitious matter from premises ;

(*c*) the maintenance of premises in a sanitary conditions ;

(*d*) the prevention of nuisances, including the prohibition and regulation of wells ;

(*e*) the removal, trimming and cutting of trees and hedges ;

(*f*) the regulation of the keeping of animals in the City ;

(*g*) the regulation of public bathing and the washing of clothes ;

(*h*) the information to be furnsihed by persons applying for permission to establish, remove, or re-open a factory, workshop, workplace or bakery governed by section 313 ;

[1] This word was substituted for the word " buildings" by Bom. 22 of 1956, s. 8(*1*).

(*i*) the articles which may not be kept and the trades and operations which may not be carried on in or upon any premises without a licence under section 376 ;

(*j*) the inspeciion of premises used or suspected of being used as a factory, workshop, workplace or bakery or for any licenseable trade or occupation or for the storage of any licenseable article ;

(*k*) the prevention and regulation of the discharge of smoke, steam, fumes and noxious vapours ;

(*l*) the prohibition and regulation of the use of whistles, trumpets and noise-producing instruments operated by any mechanical means ;

(*m*) measures for the prevention on the spread of dangerous diseases.

(*14*) *Markets.*— The regulation of sales within or outside municipal or private markets.

(*15*) *Fares and charges levied by Transnort Undertaking.*—The exhibition of notices of fares and charges in vehicles used for the conveyance of passengers.

(*16*) *Vital Statistics.*—The supply of forms of certificate regarding the cause of death to medical practitioners.

(*17*) *General*.—Any matter which is or may be prescribed to be provided for by rules.

By-laws for what purpose to be made.

458. The Corporation may from time to time make by-laws, not inconsistent with this Act and the rules, with respect to the following matters, namely:—

(*1*) regulating, in any particular not specifically provided for in this Act or the rules, the construction, maintenance, protecting, flushing, cleansing and control of drains, ventilation-shafts or pipes, cess-pools, water-closets, privies, latrines, urinals, washing places, drainage works of every description, whether belonging to the Corporation or other persons, municipal water-works, private communication pipes, private streets and public streets ;

(*2*) regulating all matters and things connected with the supply and use of water;

(*3*) regulating the maintenance, supervision and use of public and private cart-stands and the levy of fees for the use of such of them as belong to the Corporation ;

(*4*) prescribing the forms of notice under sections 253 and 254, the information, documents and plans to be furnished therewith in respect of different classes of structures or works, the manner in which and the persons by whom notices shall be signed and the manner in which plans, sections, descriptions, structural drawings or structural calculations shall be drawn, given, prepared and signed ;

(*5*) regulating the manner in which, the supervision under which, the agency through which and the conditions and restrctions under which the work of erecting or re-erecting buildings of particular classes and any work such as is described in section 254 shall be carried out;

(*6*) the structure of walls, foundations, roofs and chimneys, the number, width and position of staircases, the width of corridors and passages, the materials, dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns of buildings, for securing stability and the prevention of fires and the safety of the inmates in the event of fire and for purposes of health, either generally or with reference to the type of the structure and the use to which it is intended to be put ;

(*7*) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public ;

(*8*) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings ;

(*9*) the provision and maintenance of suitable means of access to buildings and preventing encroachment thereon ;

(*10*) the provision and maintenance of house-gullies and service-passages ;

(*11*) regulating the conditions on which frame buildings may be constructed ;

(*12*) regulating the use of land as building sites, prescribing the minimum size of such sites, either generally or for specified areas and prescribing set-backs from the street margin for all or particular classes of buildings on specified streets or classes of streets or in specified localities ;

(*13*) regulating the height of structures generally or with reference to the materials of which they are constructed or the width of the streets on which they front or the areas in which they are situated or the purposes for which they are intended to be used ;

(*14*) regulating the number and height above the ground or above the next lower story of the storeys of which a building may consist ;

(*15*) prescribing the form of the completion certificate required under section 263 and the manner in which and the person by whom it shall be signed and subscribed ;

(*16*) regulating the intervals at which, the manner in which and the persons by whom buildings shall be periodically inspected under section 265 ;

(*17*) regulating the management, maintenance, control and use of dwellings intended for the poorer sections of the community vesting in the Corporation ;

(*18*) prescribing the qualifications and experience of licensed surveyors, architects, engineers, structural designers, clerks of works and plumbers ;

(*19*) regulating in any particular not specifically provided for in this Act conservancy and sanitation, the destruction of rodents and other vermin, preventive and remedial measures against mosquitos, flies and other insect pests ;

(*20*) the control and supervision of all premises used for any of the purposes mentioned in section 376 and of all trades and manufactures carried on thereon and the prescribing and regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of any such premises ;

(*21*) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water supply of cattle-sheds and dairies ;

(*22*) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by dairymen or milk-sellers for containing milk ;

(*23*) regulating the sale of milk in the City ; the protection of milk against contamination and the prevention of the sale of contaminated milk ;

(*24*) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;

(*25*) regulating the measures to be taken in the event of the outbreak of any disease among animals which is communicable to man and the supply of information which will facilitate the taking of such measure ;

(*26*) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold ;

(*27*) the control and supervision of butchers carrying on business within the City or at a municipal slaughter-house without the City ;

(*28*) regulating the use of any municipal market building, market place or slaughter-houses, or any part thereof ;

(*29*) controlling and regulating the sanitary condition of markets and slaughter houses and preventing the exercise of cruelty therein ;

(*30*) the licensing of hand-carts, other than those exempted from taxation under section 143 or those plying for hire in respect of which licences have been issued under the *Bombay Public Conveyances Act, 1920, and the seizure and detention of any such hand-carts that have not been duly licensed ;

Bom VII of 1920.

(*31*) requiring notice to be given of the occurrence of cases of any infectious, epidemic or endemic disease, not being a dangerous disease, which may be specified and prescribing the precautions to be taken by persons suffering from, or exposed to infection from, any such disease ;

(*32*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community ;

(*33*) regulating the use of any place for the skinning and cutting up of the carcasses of animals ;

(*34*) facilitating and securing complete and accurate registration of births and deaths ;

(*35*) the registration of marriages ;

(*36*) securing the protection of public parks, gardens, public parking places and open spaces vested in or under the control of the Corporation from injury or misuse, regulating their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them ;

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* Now, the short title was amended as "the Maharashtra Public Conveyances Act" (VII of 1920) by Mah. 24 of 2012, s. 2 and 3, Schedule, entry 14, with effect from the 1st May 1960.

(*37*) regulating the use of barbed wire or other material for the fencing of land or premises abutting on any street, pathway or place which the public are entitled to use or frequent ;

(*38*) regulating trade in rags, bones or second-hand clothing, bedding or other similar articles, including measures for disinfecting on import or before removal, sale or exposure for sale or use in any manufacturing process of any such article ;

(*39*) regulating the holding of fairs and industrial exhibitions in the City ;

(*40*) regulating and prohibiting the stocking of inflammable materials and of the lighting of fires in any specified portion of the City ;

(*41*) regulating the charges for services rendered by any municipal authority ;

(42) regulating admission to, and use by members of the public of, municipal hospitals, dispensaries, infirmaries, homes and similar institutions and the levy of fees therein ;

(*43*) the protection of the property of the Corporation ;

(*44*) regulating the inspection by members of the public of municipal records and the fees to be charged before such inspection is allowed ;

(*45*) regulating the grant of certified copies or extracts from municipal records, and the fees chargeable for such copies or extracts ;

(*46*) regulating the appointment by owners of buildings or lands in the City who are not resident therein of agents residing in or near the City to act for such owners for all or any of the purposes of this Act or the rules, regulations or by-laws ;

(47) regulating generally matters affecting the conduct of the Transport Undertaking and the travelling in or upon vehicles of the Undertaking used for the conveyance of passengers, subject to the provisions of any other enactment applicable to the Undertaking and the provisions of any rules, by-laws, regulations, permit or licence issued thereunder, and, in particular, the observance by municipal officers and servants appointed in connection with the Undertaking of sobriety, courtesy and special vigilance to prevent danger to persons or vehicles using the streets ;

(*48*) carrying out generally the provisions and intentions of this Act.

Commissioner to lay draft by-laws before the Corporation for its consideration.

459. It shall be the duty of the Commissioner from time to time to lay before the Corporation for its consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of any purpose of this Act.

Hearing by Corporation of objections to proposed by-laws.

460. No by-law shall be made by the Corporations, unless—

(*a*) a notice of the intention of the Corporation to take such by-law into consideration shall have been given in the *Official Gazette* and in the local newspapers at least six weeks before the date on which the Corporation finally considers such by-law ;

(*b*) a printed copy of such by-law shall have been kept at the chief municipal office and made available for public inspection free of charge by any persons desiring to peruse the same at any reasonable time for at least one month from the date of the notice given under clause (*a*) ;

(*c*) printed copies of such by-law shall have been delivered to any person requiring the same on payment of such fee for each copy as shall be fixed by the Commissioner ;

(*d*) all objections and suggestions which may be made in writing by any person with respect thereto within one month of the date of the notice given under clause (*a*) shall have been considered by the Corporation.

By-laws to be confirmed by [1][State] Government.

461. No by-law made under section 458 shall have any validity unless and until it is confirmed by the [1][State] Government.

By-laws confirmend by [1][State] Government to be published in the *Official Gazette*.

462. When any by-law has been confirmed by the[1][State] Government it shall be published in the *Official Gazette*, and thereupon shall have the force of law.

Printed copies of by-laws to be kept on sale.

463. (*1*) The Commissioner shall cause all by-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of such fee for each copy as he may fix.

(*2*) Printed copies of the by-laws for the time being in force shall be kept for public inspection in some part of the municipal office to which the general public has access and in such places of public resorts, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said copies shall from time to time be renewed by the Commissioner.

(*3*) In regard to by-laws relating exclusively to the operations of the Transport Undertaking the provisions of this section shall apply as if for the word "Commissioner" the words "Transport Manager" had been substituted and as if sub-section (*2*) had provided for the display of the relevant by-laws in every vehicle of the Transport Undertaking used for the conveyance of the public.

[1][State] Government may modify or repeal by-laws.

464. (*1*) If it shall at any time appear to the [1][State] Government that any by-law should be modified or repealed either wholly or in part, it shall cause its reasons for such opinion to be communicated to the Corporation and prescribe a reasonable period within which the Corporation may make any representation with regard thereto which it shall think fit.

(*2*) After receipt and consideration of any such representation or, if in the mean time no such representation is received, after the expiry of the presribed period, the [1][State] Government may at any time by notification in the *Official Gazette*, modify or repeal such by-law either wholly or in part.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*3*) The modification or repeal of a by-law under sub-section (*2*) shall take effect from such date as the [1][State] Government shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the *Official Gazette*, except as to anything done or suffered or omitted to be done before such date.

(*4*) The said notification shall also be published in the local newspapers.

Regulations.

465. (*1*) The Standing Committee shall from time to time frame regulations not inconsistent with this Act and the rules but in consonance with any resolution that may be passed by the Corporation—

(*a*) prescribing the qualifications required for appointments to posts in municipal service other than those specified in sub-clause (*a*) of clause (*3*) of section 457 ;

(*b*) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security ;

(*c*) regulating the grant of leave to municipal officers and servants ;

(*d*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;

(*e*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave ;

(*f*) authorizing the payment of travelling or conveyance allowance to the said officers and servants ;

(*g*) regulating the period of service of all the said officers and servants ;

(*h*) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the surviving spouse or children and, in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances ;

(*i*) prescribing the procedure to be followed in removing from service or dismissing or otherwise punishing any municipal officer or servant other than an officer who is appointed under section 40 or 45 or who is appointed to act in the place of such officer ;

(*j*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the Standing Committee, be established by the said officers and servants or to such provident fund, if any, as may be established by the Corporation for the benefit of the said officers and servants ;

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*k*) prescribing the conditions under which and, subject to the provisions of sub-section (*2*) of section 50, the authorities by whom the said officers and servants or any of them, may be permitted while on duty or during leave to perform a specified service or series of services for a private person or body or for a public body, including a local authority, or for the Government and to receive remuneration therefor ;

(*l*) in general, prescribing any other conditions of service of the said officers and servants.

(*2*) The Standing Committee may also from time to time frame regulations not inconsistent with the provisions of this Act and the rules—

(*a*) determining the standards of fitness of buildings for human habitation ;

(*b*) regulating the declaration of expenses incurred by the Commissioner under the provision of this Act and the rules in respect of any materials or fittings, supplied or work executed or thing done to, upon or in connection with some building or land which are recoverable from the owner or occupier to be improvement expenses ;

(*c*) prescribing the powers of the Municipal Chief Auditor with regard to the disapproval of, and the procedure with regard to the settlement of objections to, expenditure from the revenues of the Corporation ;

(*d*) regulating the grant of permission by the Commissioner for the construction of shops, ware-houses, factories, huts or buildings designed for particular uses in any streets, portions of streets or localities specified in a declaration in force under section 269.

(*3*) (*a*) No regulation under sub-section (*1*) or under clause (*a*) of sub-section (*2*) shall have effect until it has been confirmed by the Corporation and, if made under clause (*h*) of sub-section (*1*), until it has in addition been confirmed by the [1][State] Government ;

(*b*) regulations under [2][clause (*c*) of sub-section (*2*)] shall be made in consultation with the Chief Auditor and shall not have effect unless sanctioned by the Corporation.

(*4*) With reference to officers and servants appointed under Chapter XX and to expenditure from the Transport Fund the provisions of sub-section (*1*) and of clause (*c*) of sub-section (*2*) shall apply as if for the words " Standing Committee" the words " Transport Committee" had been substituted.

Making of standing orders by Commissioner.

466. (*1*) The Commissioner may make standing orders consistent with the provisions of this Act and the rules and by-laws in respect of the following matters, namely :—

(A) (*a*) prescribing nakas for the collection of octroi and tolls ;

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 These words, brackets, letter and figure were substituted for the words, brackets, letter and figure "clause (*6*) of sub-section (*2*)" by Bom. 39 of 1951, s. 3, Second Schedule.

(*b*) regulating the mode and manner in which octroi and tolls shall be collected ;

(*c*) determining how octroi shall be calculated when no reliable evidence is available of the value of the goods imported ;

(*d*) regulating the stamping, sealing or otherwise marking of imported goods ;

(*e*) prescribing the manner in which refunds of octroi shall be claimed or made and the conditions under which agents shall be recognised for obtaining refunds of octroi ;

(*f*) determining the supervision under which, the routes by which and the time within which goods intended for immediate exportation shall be conveyed out of City and the fees payable by persons so conveying the goods ;

(*g*) any other matter relating to the collection of octroi which is not provided for in this Act ;

(B) the manner in which sales of immovable property attached for the non-payment of municipal dues shall be held ;

(C) (*a*) the training, discipline and good conduct of the men belonging to the municipal fire-brigade and any volunteer fire-brigade recognised by the Corporation ;

(*b*) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire ;

(*c*) the maintenance of the said brigade generally in a due state of efficiency;

(*d*) determining the officers to whom and the places at which intimation of the outbreak of a fire shall be reported and the action to be taken on the receipt of such intimation ;

(*e*) for the granting of gratuities, rewards or certificates to persons who have given notice of fires or who have rendered meritorious service to the fire-brigade on the occasion of a fire ;

(D) (*a*) for preventing nuisance or obstruction in any market-building, market-place, slaughter-house or stock-yard or in the approaches thereto ;

(*b*) fixing the days and the hours on and during which any market, slaughter house or stock-yard may be held or kept open for use and prohibiting the owner of any private market from keeping it closed without lawful excuse on such days or during such hours ;

(*c*) prohibiting every vendor in a market from closing his shop, stall or standing to the public without lawful excuse or from withholding from sale any articles in which he normally deals ;

(*d*) for keeping every market-building, market-place, slaughter-house or stock-yard in a cleanly and proper state, and for removing filth and refuse therefrom ;

(*e*) requiring that any market-building, market-place, slaughter-house or stock-yard be property ventilated and be provided with a sufficient supply of water ;

(*f*) requiring that in market-buildings and market-places passages be provided between the stalls of sufficient width for the convenient use of the public ;

(*g*) for the marking or branding for purpose of identification of animals rejected for slaughter as discarded or unwholesome ;

(*h*) regulating the method of slaughter at slaughter-houses ;

(*i*) requiring the allotment in markets of separate areas for different classes of articles;

(*j*) generally regulating the orderly management and control of markets, slaughter-houses and stock-yards.

(*2*) No order made by the Commissioner under clause (A) of sub-section (*1*) shall be valid unless it is approved by the Standing Committee and confirmed by the [1][State] Government, and no order made by the Commissioner under clause (B) or paragraph (*e*) of clause (C) of sub-section (*1*) shall be valid unless it is approved by the Standing Committee.

Costing of standing orders and table of stallage, rents, etc.

467. A printed copy of the standing orders shall be affixed in conspicuous place in the municipal office and a printed copy of the table of stallages, rents and fees, if any, in force in any market, slaughter-house or stock -yard under sections 332 and 333 shall be affixed in some conspicuous spot in market-building, market-place, slaughter-house or stock-yard.

Penalty for breach of rules, by-laws, regulations or standing orders.

468. In making rules under section 454 or by-laws, regulations or standing orders, the [1][State] Government, the Corporation, the Standing Committee, or the Commissioner, as the case may be, may provide that for any breach thereof the offender shall on conviction —

(*a*) be punished with fine which may extend to five hundred rupees, and in the case of a continuing breach with fine which may extend to twenty rupees for every day during which the breach continues, after conviction for the first breach ;

(*b*) be punished with fine which may extend to twenty rupees for every day during which the breach continues, after receipt of written notice from the Commissioner or any municipal officer duly authorised in that behalf to discontinue the breach ;

(*c*) in addition to the imposition of such fine, be required to remedy the mischief so far as lies in his power.

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[1] This word was substituted for the word " Provincial" by the Adaptation of Laws Order, 1950.

CHAPTER XXX.

MISCELLANEOUS.

Public Notices and Advertisements.

Public notices how to be made known.

469. Whenever it is provided by or under this Act that public notice shall or may be given of anything, such public notice shall, in the absence of special provision to the contrary, be in writing under the signature of the Commissioner or of a municipal officer empowered under section 69 to give the same, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum, or by advertisement in the local newspapers, or by any two or more of these means and by any other means that the Commissioner shall think fit.

Advertisements how to be made.

470. Whenever it is provided by or under this Act that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two newspapers in such language or languages as the Corporation may from time to time specify in this behalf published or circulating in the City.

Consent, etc. of Corporation, etc. may be proved by written document.

471. (*1*) Whenever under this Act or any rule, by-law, regulation or standing order, the doing or the omitting to do anything or the validity of anything depends upon the consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction of—

(*a*) the Corporation, the Standing Committee, the Transport Committee or any other Committee ;

(*b*) the Commissioner or the Transport Manager or any municipal officer, a written document signed as provided in sub-section (*2*) purporting to convey or set forth such consent, sanction, approval, concurrence, confirmtion, declaration, opinion or satisfaction shall be sufficient evidence of such consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction.

(*2*) The written document referred to in sub-section (*1*) shall be signed—

(*a*) when the authority concerned is the Corporation or the Standing Committee or any Committee other than the Transport Committee, by the Municipal Secretary on behalf of such authority ;

(*b*) when the authority concerned is the Transport Committee, by the Chairman of that Committee;

(*c*) when the authority concerned is the Commissioner, the Transport Manager or any municipal officer, the Commissioner, the Transport Manager or such municipal officer, as the case may be.

Service of Notices, etc.

Notices, etc. by whom to be served or presented.

472. Notices, bills, schedules, summonses and other such documents required by this Act or by any rule, regulation or by-law to be served upon or issued or presented or given to any person, shall be served, issued, presented or given by municipal officers or servants or by other persons authorized by the Commissioner in this behalf.

Service how to be effected on owners of premises and other persons.

473. When any notice, bill, schedule, summons or other such documents required by this Act, or by any rule, regulation or by-law to be served upon or issued or presented to any person such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 474, be effected :—

(*a*) by giving or tendering to such person the said notice, bill, schedule, summons or other documents ; or

(*b*) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the City, or by giving or tendering the same to some adult member or servant of his family, or by leaving the same at his usual place of business, if any, or by giving or tendering the same to some adult employee, if any, of his at such place ; or

(*c*) if such person does not reside in the City and his address eleswhere is known to the Commissioner by forwarding the said notice, bill, schedule, summons or other document to him by post under cover, bearing the said address; or

(*d*) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Services on owner or occupier of premices how to be effected.

474. When any notice, bill, schedule, summons or other such document is required by this Act, or by any rule, regulation or by-law, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section, but as follows, namely :—

(*a*) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land; or

(*b*) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult member or servant of the family of the owner or occupier or of any of the owners or occupiers ; or

(*c*) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

Sections 472, 473 and 474 inapplicable to magistrate's summons.

475. Nothing in sections 472, 473 and 474 applies to any summons issued under this Act by a Magistrate.

Signature on notices, etc., may be stamped.

476. (*1*) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any rule, regulation or by-law to bear the signature of the Commissioner or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon.

(*2*) Nothing in this section shall be deemed to apply to a cheque drawn upon the Municipal Fund or upon the Transport Fund under any of the provisions of this Act, or to any deed of contract.

Power of Commissioner to call for information as to ownership of premises.

477. (*1*) The Commissioner may, in order to facilitate the service, issue, presentation, or giving of any notice, bill, schedule, summons or other such document upon or to any person by written notice require the owner or occupier of any premises, or of any portion thereof to state in writing, within such period as the Commissioner may specify in the notice, the nature of his interest therein and the name and address of any other person having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, so far as such name and address is known to him.

(*2*) Any person required by the Commissioner in pursuance of sub-section (*1*) to give the Commissioner any information shall be bound to comply with the same and to give true information to the best of his knowledge and belief.

Unauthorised works.

Work of thing done without written permission of the [1][Designated Officer] to be deemed unauthorised.

478. (*1*) If any work or thing requiring the written permission of the [1][Designated Officer] under any provision of this Act, or any rule, regulation or by-law is done by any person without obtaining such written permission or if such written permission is subsequently suspended or revoked for any reason by the [1][Designated Officer], such work or thing shall be deemed to be unauthorised and, subject to any other provision of this Act, the [1][Designated Officer] may at any time, by written notice, require that the same shall be removed, pulled down or undone, as the case may be, by the person so carrying out or doing. If the person carrying out such work or doing such thing is not the owner at the time of such notice then the owner at the time of giving such notice shall be liable for carrying out the requisitions of the [1][Designated Officer].

(*2*) If within the period specified in such written notice the requisitions contained therein are not carried out by the person or owner, as the case may be, the [1][Designated Officer] may remove or alter such work or undo such thing and the expenses thereof shall be paid by such person or owner, as the case may be.

Enforcement of order to execute works, etc.

Works, etc. which any person is required to execute may in certain cases be executed by Commissioner at such person's cost.

479. (*1*) Subject to the provisions of this Act and of the rules, by-laws, regulations and standing orders, when any requisition or order is made under any provision of this Act or of any rule, by-law, regulation or standing order by written notice by the Commissioner, or by any municipal officer duly empowererd in this behalf, a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order so made ; and, unless it is in this Act otherwise expressly provided, the expenses therefore shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(*2*) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

[1] These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s.18.

Supply of materials.

480. On the written request of any person who is required under any of the provisions of this Act or of any rule, regulation or by-law to supply any materials or fittings, the Commissioner may, on such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done :

Provided that, where the provisions of section 441 or 442 will not apply, a deposit shall first of all be made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

Legal Proceedings.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

481. (*1*) The Commissioner may—

(*a*) take, or withdraw from proceedings against any person who is charged with—

(*i*) any offence against this Act or any rule, regulation or by-law ;

(*ii*) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act ;

(*iii*) Committing any nuisance whatever ;

(*b*) compound any offence against this Act or any rule, regulation or by-law which under the law for the time being in force may legally be compounded ;

(*c*) defend any election petition brought under section 16 ;

(*d*) defend, admit or compromise any appeal against a rateable value [1][or capital value, as the case may be,] or tax brought under section 406 ;

(*e*) take, withdraw, from or compromise, proceedings under sub-section (*2*) of section 402, sub-sections (*3*) and (*4*) of section 439 and sections 391 and 416 for the recovery of expenses or compensation claimed to be due to the Corporation ;

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the Standing Committee, any such claim for any sum exceeding five hundred rupees ;

(*g*) defend any suit or other legal proceedings brought against the Corporation or against the Commissioner or a municipal officer or servant in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(*h*) with the approval of the Standing Committee, admit or compromise any claim, suit or legal proceeding brought against the Corporation or against the Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid ;

[1] These words were inserted by Mah. 10 of 2010, s.20.

(*i*) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the Corporation or of the Commissioner ;

(*j*) obtain and pay for such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain or as he may be desired by the Corporation or the Standing Committee to obtain, for any of the purposes mentioned in the foregoing clauses of this sub-section or for securing the exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant:

Provided that the Commissioner shall not defend any suit or legal proceeding under clause (*g*) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the Corporation shall determine to have instituted and prosecuted.

(*2*) In relation to legal proceedings arising out of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking the provisions of sub-section (*1*) shall apply as if for the word "Commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had respectively been substituted.

General.

Councillors, etc, to be deemed to be public servants.

482. (*1*) The Commissioner and the Transport Manager and every councillor and every member of the Transport Committee who is not a councillor and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax and every servant or other person employed by any such contractor or agent shall be deemed to be a public servant within the meaning of : section 21 of the Indian Penal Code.

XLV of 1860.

(*2*) For the purposes of sub-section (*1*) the word "government" in the definition of " legal remuneration" in section 161 of the Indian Penal Code shall be deemed to include the Corporation.

XLV of 1860.

Co-operation of Police, etc.

483. (*1*) The District Magistrate and the District Superintendent of Police having jurisdiction in the City shall, as far as may be, co-operate by themselves and through their subordinates, with the Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the City.

(*2*) It shall be the duty of every police officer in the City to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule, regulation or by-law and to assist the Commissioner or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such municipal officer or servant under this Act.

Assistance for the recovery of rent on land.

484. For the purpose of the recovery of any amount due on account of rent from any person to a Corporation in respect of any land vested in or otherwise held by such Corporation, the Corporation shall be deemed to be a superior holder and every such person an inferior holder of such land, within the meaning of sections 86 and 87 of the Bombay Land Revenue Code, *1879; and the Corporation as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent or land revenue payable to him by an inferior holder. Bom. V of 1879.

Informalities and error in assessments, etc., not to be deemed to invalidate such assessment, etc.

485. (*1*) Any informality, clerical error, ommission or other defect in any assessment made or in any distress levied or attachment made or in any notice, bill, schedule, summons or other documents issued under this Act, or under any rule, regulation, by-law or standing order may at any time, as far as possible, be rectified.

(*2*) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, attachment, notice, bill, schedule, summons or other documents invalid or illegal if the provisions of this Act and of the rules, regulations, by-laws and standing orders have in substance and effect been complied with, but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Indemnity for acts done in good faith.

486. No suit, prosecution or other legal proceeding shall lie in respect of anything in good faith done or purported or intended to be done under this Act against any councillor or against any member of the Transport Committee who is not a councillor or against the Commissioner, the Transport Manager or any municipal officer or servant or against any person acting under and in accordance with the directions of the Corporation, any committee constituted under this Act, the Commissioner, the Transport Manager, any municipal officer or servant or of a Magistrate.

Protection of persons acting under this Act, against suits.

487. (*1*) No suit shall be instituted against the Corporation or against the Commisssioner, or the Transport Manager, or against any municipal officer or servant, in respect of any act done or purported to be done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act: —

(*a*) until the expiration of one month next after notice in writing has been, in the case of the Corporation, left at the chief municipal office and, in the case of the Commissioner or of the Transport Manager or of a municipal officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney, advocate, pleader or agent, if any, for the purpose of such suit, nor

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit—

* Now *see* the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

(*a*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid;

(*b*) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in, or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the previous sanction of the Standing Committee or the Transport Committee from the Municipal fund or the Transport Fund, as the case may be.

Saving in respect of certain provisions of Bombay Land Revenue Code, 1879*.

488. Notwithstanding the provisions of sections 48, 65, 66 and 67 of the Bombay Land Revenue Code, 1879*— Bom. V of 1879.

(*1*) the use of any land for any purpose to which it may lawfully be put under the provisions of this Act shall not be prohibited in exercise of the powers conferred by or under the said Code ;

(*2*) it shall be sufficient for any occupant of land assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and of the rules, regulations and by laws to entitle such occupant to permission under section 65 of the said Code subject to the condition of the payment of altered assessment and fine, if any, for the use of his holding or part thereof for any purpose unconnected with agriculture.

Limitation of liablility of agent or trustee of owner.

489. (*1*) No person who receives the rent of any premises in any capacity described in paragraph (*i*), (*ii*) or (*iii*) of sub-clause (*a*) of clause (*45*) of section 2 shall be liable to do anything which is by this Act required to be done by the owner, unless he have or, but for his own improper act or default, might have had sufficient funds of or due to the owner to pay for the same.

(*2*) The burden of proving the facts entitling any person to relief under sub- section (*1*) shall rest on such person.

(*3*) When any person has secured relief under sub-section (*1*) the Commissioner may, by written notice, require such person to apply to the discharge of any obligation which he would, but for such relief, be bound to discharge, the first moneys which shall come to his hand on behalf of or for the use of the owner, and any person who fails to comply with such notice shall be deemed to be personally liable to discharge such obligation.

(*4*) Nothing in this section shall be deemed to prevent the Commissioner from carrying out the necessary works and recovering the expenses from the actual owner.

* *See* now Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

CHAPTER XXXI.

Repeals And Amendments.

Certain Acts to cease to apply to City.

490. The Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925 and the Bombay Village Panchayats Act, 1933, shall cease to apply, except as hereinafter provided, to any area included in the City. Bom. II of 1901. Bom. XVIII of 1925. Bom. VI of 1933.

Amendment of certain enactments. Repeal.

491. The enactments specified in the second column of Appendix III shall be amended to the extent specified in the third column thereof.

492. The Poona City and Poona Suburban Municipal Boroughs (Appointment of Municipal Commissioner) Act, 1948, is hereby repealed. Bom. LXXX of 1948.

Transitory provisions.

493. The provisions of Appendix IV shall apply to the constitution of the Corporation and other matters specified therein.

APPENDIX I

(*See* Section 282.)

Provisions of the Land Acquisition Act, 1894, Regulating the Acquisition of Land for Improvement Purposes.

Part I—Preliminary, except clauses (*e*) and (*f*) of section 3.

Part II—Acquisition, except sub-section (*1*) of section 4, section 6 and sub-section (*2*) of section 17.

Part III—Reference to Court and Procedure thereon, except sub-section (*2*) of section 23 and clauses (*6*) and (*7*) of section 24.

Part IV—Apportionment of compensation.

Part V—Payment.

Part VI—Temporary occupation of land.

Part VII—Miscellaneous.

APPENDIX II

(*See* Section 392.)

Table of Penalties.

Part I.

Sections, Sub-sections and Clauses.	Fine which may be imposed.
309 (*2*), 311(*e*), 311(*f*), 311(*g*)	. . . . Ten rupees.
197(*2*),295,334(*2*),373(*1*),374,375,376(*6*)	. . . . Twenty rupees.
172,196(2) proviso, 208, 227(*3*), 228, 233(*1*), 236(*2*), 238(*2*), 240, 246, 297, 330(*1*), 333, 377(*1*), 381, 384, 385, 386(*5*).	. . . . Fifty rupees.

60,108(*2*), 145(*2*), 163,164,165, 168(*1*)(*b*), 169(*b*),174,184,186,187(*1*), 187(*2*), 199, 200,212(*2*), 223,227(*3*), 229(*1*), 230(*1*), 232, 239(*1*), 241(*1*), 243(*1*), 244(*1*), 244(*3*), 248(*1*), 251, 265(*4*), 266,298(*5*), 308,318,319,326, 335(*1*), 366,367,368,369,379,380,382.	. . . .	One hundred rupees.
161,178(*1*), 179,195(*1*), 198,226(*1*), 226(*2*), 226(*4*), 242,247(*1*), 265(*2*), 265(*3*), 267(*1*), 268(*4*), 299(*1*),307(*1*), 307(*2*), 378(*1*), 383,417(*3*).	. . . .	Two hundred rupees.
160(*2*), 171(*1*), 221(*1*), 257,261(*1*),263, 264 (*1*), 264(*2*), 298(*2*), 301(*1*), 304(*3*),	. . . .	Five hundred rupees.
322,325(*1*),376(*1*). 210(*4*), 262,269(*7*), 313, 314,331(*2*).	. . . .	One thousand rupees.

Part II.

Sections, Sub-sections and Clauses.		Daily fine which may be imposed.
227(*3*), 228,297,308,375,376(*6*), 379,381.	. . . .	Five rupees.
161,163,164,165,168(*1*) (*b*), 169(*b*), 172, 174,184,186,187(*1*), 187(*2*), 195(*1*), 200, 223,226(*2*),226(*4*), 229(*1*), 230(*1*), 232, 241 (*1*), 244(*1*), 244(*3*), 247(*1*), 248(*1*), 265(*4*), 298(*5*), 330(*1*), 382,384,385,386(*5*).	. . . .	Ten rupees.
60,198,243(*1*), 246,265(*2*), 265(*3*), 267(*1*), 268(*4*), 307(*1*), 307(*2*), 383.	. . . .	Twenty rupees.
160(*2*), 171(*1*),212(*2*), 239(*1*), 240,266, 298(*2*), 299(*1*), 301(*1*), 376(*1*), 378(*1*), 417(*3*)	. . . .	Fifty rupees.
210(*4*), 257,263,264(*1*), 264(*2*), 269(*7*)	. . . .	One hundred rupees.
313,314.	. . . .	Five hundred rupees.

APPENDIX III.

(*See* Section 491).

ENACTMENTS AMENDED.

Number and Year.	Short Title.	Amendments.
Bom. I of 1915	The Bombay Town Planning Act, 1915.	In sub-section (*1*) of section 4, sub-section (*2*) of section 10, sub-section (*1*) of section 26, sub-section (*3*) of section 44 and sub-section (*3*) of section 45, for the words " the City of Bombay" the words "any area for which a municipal corporation is constituted under any enactment" shall be substituted.

APPENDIX III-contd.

Number and Year.	Short Title.	Amendments.
Bom. V of 1925	The Bombay Prevention of Adulteration Act, 1925.	1. In clause (*c*) of section 2, for the words " the City of Bombay " the words " any area for which a municipal corporation is constituted under any enactment " shall be substituted. 2. In sub-section (*1*) of section19, for the words " the City of Bombay after consultation with the Corporation of the City of Bombay " the words " any area for which a municipal corporation is constitued under any enactment after consultation with such corporation " shall be substituted.
Bom. XXXII of 1947.	The Lord Reay Maharashtra Industrial Museum Act, 1947.	1. In sub-section (*2*) of section 6— (*1*) for paragraph B the following revised paragraph shall be substituted, namely:— "B. The following four ex-officio representatives of the Municipal Corporation of the City of Poona:— (*i*) the Mayor, who shall be the Chairman, (*ii*) the Chairman, Standing Committee, (*iii*) the Chairman, Municipal School Board, (*iv*) the Municipal Commissioner for the City of Poona"; (*2*) in paragraph C for the words "Poona City Borough Municipality" the words " Municipal Corporation of the City of Poona" shall be substituted. 2. In section 17 for the words "Bombay Municipal Boroughs Act, 1925, the Poona City Borough Municipality" the words "Bombay Provincial Municipal Corporations Act, 1949, the Muncipal Corporation of the City of Poona" shall be substituted.

APPENDIX III-contd.

Number and Year.	Short Title.	Amendments.
		3. In [1][clause (*b*)] of sub-section(*2*) of section 21, for the words "Poona City Borough Muncipality" the words "Municipal Corporation of the City of Poona" shall be substituted.
Bom. LVII of 1947.	The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.	In section 10A the following shall be added, namely :— "(4) If the general tax levied under section 129 of the Bombay Provincial Municipal Corporations Act, 1949, in respect of any premises in any city exceeds the amount paid by any landlord to any local authority on account of a rate or tax on building, houses or lands in respect of such premises for the assessment period which included the 31st March 1949, there shall be deemed to be an increase in such rate or tax for the purpose of this section."
[2][Bom. XX of 1948]	The Poona University Act, 1948.	In sub-section (*1*) of section 16, in clause (*iv*) of paragraph (A) in Class II— (*1*)for sub-clause (*a*) the following shall be substituted, namely:— "(*a*) two members by the Municipal Corporation of the City of Poona"; (2)sub-clause (*b*) shall be deleted.
Bom. LXIX of 1948.	The Bombay Housing Board Act, 1948.	In section 25— (*1*)in sub-section (*1*) for the words and figures " Chapter XII-A of the City of Bombay Municipal Act, 1888", the words "any enactment for the time

[1] These word, brackets and letter were substituted for the word, brackets and letter " clause (*d*) " by Bom. 9 of 1951, s. 3, Second Schedule.

[2] These words and figures were substituted for the words and figures " Bom. IX of 1984 " by Bom. 9 of 1951, s.3, Second Schedule.

APPENDIX III-contd.

Number and Year.	Short Title.	Amendments.
		being in force for the constitution of a municipal corporation for any area in the [1][State] [2][of Maharashtra]" shall be substituted,
		(*2*)in sub-section (*2*) for the words and figures "the City of Bombay Municipal Act, 1888" the words "any such enactment as aforesaid" shall be substituted.
Bom. LXXIX of 1948.	The Bombay Shops and Establishments Act, 1948.	In clause (15) of section 2, for the words and figures " municipality constituted under the City of Bombay Municipal Act, 1888" the words "a municipal corporation constituted under any enactment for the time being in force or a municipality constituted under" shall be substituted.

APPENDIX IV.

TRANSITORY PROVISIONS.

(*See* Section 493.)

Part I: General.

Continuation of refrences in other enactments.

[3][**1**. References in any enactment, other than the Maharashtra Municipalities Act, 1965, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, the *Bombay Village Panchayats Act, 1958 or the Bombay Local Fund Audit Act, 1930, in force on the date immediatly preceding the appointed day in a City or in any rule, order or notification made or issued thereunder and in force on such date in the said City, to any municipalities or other local authorities by whatever name called, shall, unless a different intention appears, be construed as references to the City or to the Corporation of the said City, as the case may be, and such enactment, rule, order or notification shall apply to the said City or Corporation.]

Mah. XL of 1965.

Mah. V of 1962. Bom. III of 1959. Bom. XXV of 1930.

Transfer of rights.

2. All rights of the municipality or any other local authority for the area which has been constituted to be a City shall on the appointed day vest in the Corporation constituted for the said area.

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[1] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[2] These words were substituted for the original by Maharashtra Adaptation of Laws (State and Concurrent Subject) Order, 1960.

[3] This paragraph was substituted for the original by Mah. 29. of 1982, s. 8(*1*).

* The short title of the Act was amended as "the Maharashtra Village Panchayats Act" by Mah. 24 of 2012, S.2 and 3, Schedule, entry 74, with effect from the 1st May 1960.

Sums due.

3. All sums due to the said municipality or local authority for the area which has been constituted a City, whether on account of any tax or any other account, shall be recoverable by the Commissioner for the said City and for the purpose of such recovery he shall be competent to take any measure or institute any proceeding which it would have been open to the authority of the said municipality or local authority to take or institute, if this Act had not come into operation and the said area had not been constituted to be a City.

Debts, obligations, contracts and pending proceedings.

4. (*1*) All debts and obligations incurred and all contracts made by or on behalf of the said municipality or local authority immediately before the appointed day and subsisting on the said day shall be deemed to have been incurred and made by the Commissioner for the said City in exercise of the powers conferred on him by this Act and shall continue in operation accordingly.

(*2*) All proceedings pending before any authority of the said municipality or local authority on the said day which under the provisions of this Act are required to be instituted before or undertaken by the Commissioner shall be transferred to and continued by him and all other such proceedings shall, so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(*3*) All appeals pending before any authority of the said municipality or local authority on the said date shall, so far as may be practicable, be disposed of as if the area was constituted to be a City when they were filed.

(*4*) All prosecutions instituted by or on behalf of the said municipality or local authority and all suits and other legal proceedings instituted by or against the said municipality, local authority or any officer of the said municipality or local authority pending on the said date shall be continued by or against the Commissioner or the Corporation for the said City, as the case may be, as if the area was constituted to be a City when such prosecution, suit or proceeding was instituted.

Continuation of appointments, taxes, budget estimates, assessments, etc.

5. Save as expressly provided by the provisions of this Appendix or by a notification issued under paragraph 22 or order made under paragraph 23,—

(*a*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law, or form made, issued, imposed or granted under [1][the Maharashtra Municipalities Act, 1965] or any other law in force in any local area constituted to be a City immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, continue in force until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued, imposed or granted under this Act or any other law as aforesaid, as the case may be ;

Mah. XL of 1965.

(*b*) all budget estimates, assessments, valuations, measurements, and divisions made under [1][the Maharashtra Municipalities Act, 1965], or any other law in force in any area constituted to be a City

Mah. XL of 1965.

[1] These words and figures were substituted for the words and figures " the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925 " by Mah. 29 of 1982, s. 8(*ii*).

immediately before the appointed day shall in so far as they are consistent with the provisions of this Act, be deemed to have been made under this Act;

(*c*) all officers and servants in the employ of the said municipality or local authority immediately before the appointed day shall be officers and servants employed by the Corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date :

Provided that service rendered by such officers and servants before the appointed day shall be deemed to be service rendered in the service of the Corporation :

Provided further that it shall be competent to the Corporation to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the municipal service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are so discontinued, shall be entitled to such leave, pension or gratuity as he would have been entitled to take or receive on being invalided out of service if this Act had not been passed.

Extension of appointments, taxes, etc., in force in one Municipal area to other areas included in a City.

[1][**5A.** Notwithstanding anything contained in this Act, where the State Government has constituted any local area to be a City under section 3, which was previously comprised , wholly or partly, in the area of two or more Municipal Councils constituted under the Maharashtra Municipalities Act, 1965 or in the area of one or more of such Municipal Councils and one or more *Zilla Parishads* constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, the State Government may, notwithstanding anything contained in any other law for the time being in force, but save as otherwise provided in section 129A or any other provisions of this Act, by notification in the *Official Gazette,* direct that all or any of the appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws or forms made, issued, imposed or granted in any area of a specified municipal council included in the City, under the Maharashtra Municipalities Act, 1965, or any other law and in force in that area immediately before the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force throughout the area of the City, until they are superseded or modified under this Act or under any other law as aforesaid, as the case may be.]

Mah. XL of 1965.

Mah. V of 1962.

Mah. XL of 1965.

Provision for Municipality or local authority which is superseded or dissolved.

6. Any reference in the above paragraphs to a municipality or a local authority shall, in case such municipality or local authority has been superseded or dissolved, be deemed to be a reference to the person or persons appointed to exercise the powers or to perform the functions of such municipality or local authority under any law relating to such municipality or local authority.

[1] This paragraph was inserted by Mah. 29 of 1982, s. 8. (*iii*)

[1][**6A.** (*1*) Notwithstanding anything contained in this Act, until by-laws are made under section 458 or until the expiration of one year from the date on which any local area is constituted or included in a City under section 3, whichever is earlier, the Corporation may prescribe special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-backs of buildings and other matter relating to buildings in the area constituted or included in a City or any part thereof. Special conditions for erection and re-erection of buildings, etc. in certain areas.

(*2*) No person shall erect or re-erect any building or commence the execution of any work in contravention of any such conditions.

[2] * * * *

Part III: Special Provisions relating to the City of Poona.

Bom. LXXX of 1948.

14. (*1*) On and from the appointed day in the case of the City of Poona the Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs appointed under section 3 of the Poona City and Poona Suburban Municipal Boroughs (Appointment of Municipal Commissioner) Act, 1948, and holding office on the date immediately preceding the appointed day shall be deemed to be the Commissioner appointed under section 36 and shall, subject to the provisions of sub-section (*3*) of the said section, hold office for the period for which he would have held the office of Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs if this Act had not come into operation in the City of Poona. Provision regarding the Commissioner.

(*2*) The Commissioner shall recieve the same scales of salary and allowances as he was receiving as Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs on the date immediately preceding the appointed day.

15. Notwithstanding anything contained in this Act, the Commissioner exercise the powers and perform the duties of the Corporation and the Standing Committee under this Act and under any other law for the time being in force until general ward elections shall have been held in accordance with the provisions of this Act and the first meeting of the Corporation shall have been held. The Commissioner to exercise powers and perform duties of Corporation and Standing Committee.

16. (*1*) The [3][State] Government may, by notification in the *Official Gazette,* appoint such number of persons, not exceeding twelve, as it deems fit to advise the Commissioner so long and in so far as he exercises the powers and performs the duties of the Corporation and the Standing Committee. [1][State] Government may appoint advisory board.

(*2*) The Commissioner shall from time to time in such manner as he considers suitable, including the convening of meetings of the persons so appointed, ascertain the views of the persons so appointed on all matters which, under the provisions of this Act, require to be done, sanctioned, approved or confirmed by the Corporation or the Standing Committee.

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[1] This paragraph was inserted by Bom. 42 of 1950, s. 2.

[2] Part II Special Provisions relating to the City of Ahmedabad and paragraphs 7 to 13 thereunder were deleted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

[3] This word was substituted for the word " Provincial" by the Adaptation of Laws Order, 1950.

(*3*) If the [1][State] Government so directs, the Commissioner shall refer for the decision of the [1][State] Government any such matter in which he proposes to act otherwise than in accordance with the views of the majority of the persons so appointed, and shall thereafter act in accordance with such decision.

Commissioner to take steps to hold elections, etc.

17. (*1*) The Commissioner shall forthwith proceed to prepare the municipal election roll and hold general ward elections in accordance, as far as may be, with the provisions of this Act.

(*2*) For the purposes of the first elections held under this Act, any person who, if this Act had not come into operation, would have been disqualified for being elected a councillor of the Poona City Borough Muncipality or the Poona Suburban Borough Muncipality shall be deemed to be disqualified for being elected and for being a councillor under this Act.

(*3*) Every person who owns immovable property in the City which on the date immediately preceding the appointed day was assessed to a house tax or any tax in the form of a rate on lands and buildings levied by any local authority having jurisdiction in any portion of the City shall be deemed to have the requisite taxation qualification under sub-section (*3*) of section 8 for the purpose of enrolment in the first municipal election roll.

Savings in respect of Bombay Local Fund Audit Act, 1930.

18. The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the Poona City Borough Municipality and the Poona Suburban Borough Municipality for the period upto the date immediately preceding the appointed day and of all other matters connected with, or arising out of, such audit as if this Act had not come into operation: Bom. XXV of 1930.

Provided that all references in the Bombay Local Fund Audit Act, 1930, to the President of the local authority or to the local authority shall be deemed to be references to the Commissioner. Bom. XXV of 1930.

Saving in respect of members of Court of Poona University representing Poona City and Poona Suburban Borough Muncipalities.

19. The members of the Court of the Poona University elected by the Poona City Borough Municipality and the Poona Suburban Borough Municipality under section 16 of the Poona University Act, 1948, shall be deemed to have been elected by the Corporation and shall continue to hold office for the term for which they were originally elected. Bom. XX of 1948.

Temporary provision regarding representatives of Corporation on Board of Trustees of Lord Reay Maharashtra Industrial Museum.

20. Notwithstanding the provisions of sub-section (*2*) of section 6 of the Lord Reay Maharashtra Industrial Museum Act, 1947, the representatives of the Corporation on the Board of Trustees of the Lord Reay Maharashtra Industrial Museum shall, until the Mayor and the Chairman of the Standing Committee have been elected and have taken office, consist of the Chairman of the Poona Municipal School Board and the Commissioner. Bom. XXXII of 1947.

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[1] This word was substituted for the word " Provincial" by the Adaptation of Laws Order, 1950.

Poona City Municipal School Board to be deemed to be the Municipal School Board for the City.

21. The Poona City Municipal School Board in office on the date immediately preceding the appointed day shall be deemed to be the Municipal School Board for the City and shall continue in office until a new school board is constituted by the nomination and election of members under sub-sections (*2*) and (*5*) of section 4 of the *Bombay Primary Education Act, 1947, as soon as may be after the first general ward elections of councillors have been held and the councillors have taken office.

Bom. LXI of 1947.

Temporary provision regarding levy of general tax in certian areas included in the City of Poona.

[1][**21A.** Notwithstanding anything contained in this Act, in the areas specified in List I hereto appended, a general tax shall be levied on the classes of buildings and lands specified in column 1 of List II hereto appended, during the periods specified in the headings to columns 2 to 5 at the rates specified in the said columns against each class; and such rates shall not during such periods be liable to increase under section 150. Where no such rate has been specified in the said columns, the general tax shall be levied at the rate and in the manner provided under this Act:

Provided that all lands and buildings, situated in the areas specified in the said List I, the annual rateable value of which does not exceed rupees fifty shall be exempted from the levy of the general tax during the period from the 1st April 1954 to the 31st March 1956 (both inclusive).

LIST I.

The areas of the following revenue villages included within the limits of the City of Poona.

1. Bopodi.
2. Dhanori.
3. Lohgaon.
4. Vadgaon Sheri.
5. Ghorpadi.
6. Mundhwa.
7. Hadapsar.
8. Kondhwe Khurd.
9. Dhankavdi.
10. Hingane Budruk.
11. Kothrud.
12. Pashan.
13. Aundh.
14. Wanowaire.
15. Bibewadi in Kasbe, Poona,
    Revenue Survey Nos. 559 to 595; 598 to 695; 732 and 440.

[1] Paragraph 21A was inserted by Bom. 57 of 1953 S.3.

* The Short title of the Act was amended as "The Maharashtra Primary Education Act" by Mah. 24 of 2012, S.2 and 3, Schedule, entry 28, with effect from the 1st May 1960.

LIST II.

Classes of land and buildings. (1)	Period from the 1st April 1954 to 31st March 1956 (both inclusive). (2)	Period from the 1st April 1956 to 31st March 1958 (both inclusive). (3)	Period from the 1st April 1958 to 31st March 1960 (both inclusive). (4)	Period from the 1st April 1960 to 31st March 1962 (both inclusive). (5)
1. The annual rateable value of which does not exceed Rs. 50.	Nil	6 per cent. of the rateable value.	8 per cent. of the rateable value.	10 per cent. of the rateable value.
2. The annual rateable value of which exceeds Rs. 50 but does not exceed Rs. 500.	6 per cent. of the rateable value.	8 per cent. of the rateable value.	10 per cent. of the rateable value.	…
3. The annual rateable value of which exceeds Rs. 500 but does not exceed Rs. 1,000.	8 per cent. of the rateable value.	10 per cent. of the rateable value.	…	…
4. The annual rateable value of which exceeds Rs. 1,000 but does not exceed Rs. 2,000.	10 per cent. of the rateable value.	…	…	…
5. The annual rateable value of which exceeds Rs. 2,000 but does not exceed Rs. 5,000.	12 per cent. of the rateable value.	…	…	…
6. The annual rateable value of which exceeds Rs. 5,000.	14 per cent. of the rateable value or the rate determined by the Corporation under section 99, whichever is less.	…	…	…]

Part IV : [1]* * * *

Part V : Power to remove difficulties.

Power to remove difficulties.

23. If any difficulty arises in giving effect to the provisions of this Act or, by reason of anything contained in this Act, to any other enactment for the time being in force, the [2][State] Government may, as occasion requires, by order do anything which appears to it necessary for the purpose of removing the difficulty :

Provided that no order shall be made under this paragraph after the expiry of one year from the appointed day.

[1] Part IV relating to the "*Special provisions relating to other cities*" was deleted by Mah. 4 of 1995, s.3.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[1][*SCHEDULE 'A'*
(*See* section 152 A)
Articles liable to payment of cess

Serial No. (1)	Description of Goods (2)	Maximum Rates of cess leviable (3)
	Class I.—Articles of food and drink.	
1	Grain, flour, pulses and cereals of all sorts including parched *gavar*, soyabean, parched grain and paddy.	4%
2	(*a*) Sugar.	2%
	(*b*) *Gur* of all sorts.	2%
3	Wines and spirits and beer.	10%
4	Ghee.	5%
5	Vanaspati and hydrogenated oils.	4%
6	Tea, Coffee and Coffee seeds.	4%
7	Saffron.	7%
8	Edible-bacon and hams, table butter, butter other than table butter, margarine, dried or preserved fruits and nuts excluding fresh fruits and betal nuts, canned fish, cheese, confectionery, jams and jellies, milk condensed and preserved, ice cream, all sorts of farinaceous foods, pickles, cocoa, cocoabeans and chocolates, biscuits and cakes, lard or edible animal fat, *mawa*, milkcream, *chakka*, fruitjuices, syrups and all beverages, glucose, dextrose or any fruit sugar, preserved provisions, baking or curry powder, saccharin, all kinds of food colours and essence, glucose of all other kinds, malt extract, honey, papad, potato wafers, meat fresh or preserved for whatever use and all kinds of food or drink not specifically provided for excepting whole milk or tonned milk or skimmed milk powder.	7%
9	Dates dry.	6%
10	Dates wet.	4%
11	Chillies, turmeric, dhania, methi or suva whole or powdered, tamarind seed whole or separated.	3%
12	Poultry, eggs and flesh of poultry.	2%

[1] Schedules " A ", " B " and " C " were substituted by Mah. 4 of 2009, s. 8.

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
13	Coconut in shell, separated kernal of coconut and copra.	1%
14	Whole milk, tonned milk and skimmed milk powder and curds.	5%
15	Oil seeds of edible oils and edible oils.	4%
	Class II .—Animals.	
16	Sheeps, goats, lambs and kids.	1%
17	Oxen, cows, buffaloes, calves and horses.	1%
18	Pigs.	1%
19	All animals, wild beasts, domestic pets except those to which entries 16, 17 and 18 of this Schedule apply.	10%
20	Animal bones, horns and hooves.	2%
	Class III.—Articles used for Fuel, Lighting, Washing and Industrial use.	
21	Charcoal, coal and coke.	4%
22	Crackers, fireworks and their components, calcium carbide and safety fuses.	7%
23	Chandeliers, globes, chimneys, electric bulbs and articles for electric or gas lighting.	6%
24	Soap of all kinds, boot and metal polish.	4%
25	Potash, *ritha*, soda, alum, saline substances, *shikakai*, washing soda, caustic soda, refined salt, patre, phenyle and substances used in washing clothes, floor and utensils.	4%
26	Oil seeds of inedible oils.	4%
27	Inedible vegetables oils.	4%
28	Methylated and denatured spirits and Industrial alcohols.	6%
29	(*a*) Mineral oils of all sorts, diesel oil, petrol, aviation spirit, all kinds of lubricating oils, white oil, spindle oil, furnance oil, petroleum products including natural gas and liquified petroleum gas, mava oil, sevasol, solvent oil, other fuel oils, oils used as insecticides, natural gasoline, paints solutions and compositions, oils (but nothing hereinbefore contained shall include kerosene).	5%
	(*b*) Crude oil.	5%
	(*c*) Grease and petroleum jelly.	5%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
	Class IV.—Articles used in construction of Buildings, Roads and Other structures and Articles made of Wood and Cane.	
30	Cement of all sorts.	4%
31	Coaltars asphalt, bitumen flooring stone, manganese, emery stone or powder, chalk powder, stone chips, Agra stone, stone for building, clinker and coal ash.	4%
32	Glazed bricks, tiles, marble pieces, fire bricks, bricks, all kinds of roofing tiles, flooring tiles, china mosaic chips, mosaic marble, mosaic or terrazo tiles, earthen pipes, china pipes, cement pipes and asbestos cement sheets.	5%
33	Paints, distemper and colour washes used for painting buildings, varnish, boiled lines oils, turpentine, zinc oxide and red oxide.	5%
34	Yellow earth and earth of any other kind except red earth.	4%
35	Glass, glassware, chinaware, enamelware, all kinds of crockery used for construction or decoration of buildings and sanitary fittings, metal valves, brass cocks and their fittings.	4%
36	Roofing felt.	5%
37	Timber, ballies, cane and articles made of any of them, doors, windows, frames, furniture, pets, staircases, sandal wood and articles made of such wood.	6%
38	Plywood, soft boards, hard boards, masonite or any other kind of wood of whatever composition prepared by artificial process and articles made thereof.	6%
	Class V.—Perfumes, Toilet Requisites, Colours and Household Goods.	
39	(*a*) Hair oil, perfumed oils, perfumery of all kinds, scents, *attars*, scented material, aromatic chemicals, toilet incense sticks, toilet requisites of all kinds, shaving cream, shaving sticks, tooth powder, tooth paste, pomade, comb, brushes, looking glasses, hairpins, breeches, garters and suspenders.	5%
	(*b*) Scissors, razors, safety razors, blades, knives, pen knives, spoons, forks, cutlery of all kinds, needles of all sorts, locks and keys, stoves and petromax and their parts and accessories and hardware articles.	4%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
	(*c*) Laces, tapes, rings of wood and metal, embroidery articles, celluloid and celluloid articles, beads of all sorts, imitation pearls, articles of imitation jewellery, plastic and plastic goods, plastic powder, backelite and backelite goods.	4%
40	(*a*) Imitation ornaments.	6%
	(*b*) Toys of all kinds.	4%
41	Crockery of all sorts.	4%
42	Glass and glassware including bangles, bottles, articles of china and porcelain wares and earthen wares (excluding articles used for construction or decoration of buildings).	4%
	Class VI.—Tobacco Requisites.	
43	Cigar and Cigarette holders, smoking pipes, cigarette paper, tobacco cases, pouches, cigarette and cigar cases, *hukka* and smoking requisites and cigarette lighters.	8%
	Class VII.—Piece goods cotton, yarn and threads of all sorts and starching and sizing materials, leather and articles of leather and rubber goods.	
44	Piece goods of wool, silk linen, hemp, artificial and synthetic materials and articles made up purely or partly of any of the above material not otherwise specified, 100 per cent. cotton fabrics, readymade garments made out of 100 per cent. cotton fabrics, hosiery goods made out of 100 per cent. cotton fabrics, sanitary towels, napkins, disposable baby-diapers, cotton beds and pillows and surgical cotton.	3%
45	Cotton ginned or unginned.	4%
46	Cotton waste, yarn waste and hard waste.	4%
47	Raw or unspun wool, hemp, jute, coconut and other fibres and rope and articles made thereof.	4%
48	Yarn and threads of all sorts.	5%
49	Starches of all sorts, sago, rice and flour, arrowroot tapioca and its flour, tamarind powder, farina starches and sizing materials, tallow, sizing oils and such substitutes.	4%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
50	Hides and skins.	4%
51	Leather including harness, saddles, bags, boxes, shoes, *chappels*, slippers, sandles, straps and all articles made of leather.	4%
52	Rubber tyres and tubes—	
	(*a*) Rubber, rubber goods, gatta, purcha and articles made thereof (wholly or partly), rubber solution and latex.	4%
	(*b*) Raw rubber.	4%
	Class VIII.—Metals and articles made of metals.	
53	Iron and Steel—	
	(*a*) Pig iron,	4%
	(*b*) Blooms, billets and slabs,	4%
	(*c*) *Structural*—	4%
	(*i*) joints, (*ii*) channels, (*iii*) angles, equal or unequal, (*iv*) bulbs or toes, (*v*) light rails, (*vi*) fish plate for light rails, (*vii*) shell, steel ingots, blooms, billets and bars, (*viii*) black or galvanized sheets, plain or corrugated, (*ix*) plates, ordinary mild steel including boiler and high tensile ship building or bullet proof, (*x*) bars and rods, (*xi*) bolts, nuts, washers, rivets and such other articles, (*xii*) wire barbed, telegraph or other kind of black galvanized, (*xiii*) wire nails, (*xiv*) spring steel, vehicular or flat bars, (*xv*) hoops and strips, and (*xvi*) pipes.	
54	Iron and steel-scrap.	4%
55	Iron and steel-any other articles manufactured from iron or steel other than cutlery, hardware and machines or machine parts not specifically provided for.	4%
56	Machinery and their components and spares—	
	(*a*) (*i*) Electric machinery for generation, transmission and distribution and motors and generators and their components and spares,	4%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
	(*ii*) Electric goods including cells, batteries and copper strips, horn electric,	4%
	(*iii*) Electric fittings and material,	4%
	(*iv*) Electrical domestic appliances,	4%
	(*v*) Electrical machinery of all kinds, control sets, switch-gear, generators, alternators and dynamos, motors, transformers and turbo generating sets.	4%
	(*b*) Agricultural machinery and parts.	4%
	(*c*) Oil engines, diesel engines, steam engines, petrol and gas engines and machines worked by hydraulic pressure and their parts.	4%
	(*d*) Tools of all kinds.	4%
	(*e*) Printing press machines and spares.	4%
	(*f*) Any other machinery, its components and spares not specifically provided for.	4%
57	Vehicles-	
	(*a*) Motor cars, motor cycles, chassis and lorries.	5%
	(*b*) Bicycles, perambulators, carriages, all kinds of vehicles and their components and spares.	4%
58	Instruments, apparatus, appliances and parts thereof—	
	(*a*) Sewing machines, clocks and watches and typewriters and their spares.	4%
	(*b*) Radio, radiograms, television set or apparatus, loud-speakers and gramophones, amplifiers, wireless goods, video cassette recorders, video cassette players, all kinds of electronics goods, their components and spares.	5%
	(*c*) Photographic machinery, photo goods and materials including photographic chemicals, films and mounts and their components and spares.	5%
	(*d*) Cine projection machinery, their components, spares, and materials, used therein.	5%
	(*e*) Surveying apparatus.	5%
	(*f*) Scientific appliances.	5%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
	(*g*) Optical goods, their spares and accessories, surgical instruments and hospital requirements including their spares and accessories.	5%
	(*h*) Mill and gin stores including crucibles, cotton ropes and spares.	4%
	(*i*) All kinds of apparatus, appliances and spares.	4%
59	Non-ferrous metals that is to say brass, copper, tin, aluminium, lead, zinc, germansilver, stainless steel, their alloys, wire-wares and sheets, ingots and circles, etc.	4%
	IX.—Miscellaneous Class.	
60	Dyes, tans, indigo and all colouring matters including printing paste, inks and industrial paints.	5%
61	Paper-	
	(*a*) Newsprints.	7%
	(*b*) Card boards, straw-boards, grey boards and mill-boards.	7%
	(*c*) All kinds of paper of whatever composition and thickness.	7%
62	Lac and cork and articles made thereof.	4%
63	Sculptured articles of wood, stone, clay or metal, other articles and earthernwares.	4%
64	Chinaware, porcelainware and electric insulators not otherwise specified.	4%
65	(*a*) Cinema films, all film raw.	7%
	(*b*) Cinema films processed and reels.	7%
66	Molasses.	7%
67	Books and periodicals including almanacs, *panchangs* and time-tables for passanger transport services, catalogues, all publications which publicize goods, services and articles for commercial purposes, race cards, account books, diaries, calendars, office files and documents, answer books (blank or used), tags, weddings cards, greeting cards, invitation cards, post cards, picture-post cards, cards for special occasions, visiting cards, photo albums, stamp albums made of paper, playing cards and newspapers.	3%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
68	Cattle-feed including fodder and concentrates meant exclusively for cattle, cotton seeds, oil cakes and feed supplements.	2%
69	*Bidi* leaves.	2%
70	Firewood, bamboo and articles made of bamboo except toys.	2%
71	Fish, fresh and dry and fish oils.	2%
72	Fresh flowers, fresh vegetables, potatoes, sweet potatoes, elephant's foot (Yam), ginger, onions, garlic, fresh fruits and betel nuts.	1%
73	*Pan*, *tambul*, *vida* or *patti*, preparped from betel leaves.	2%
74	Plantain leaves, *palas* leaves, *patraval*, *dron*.	1%
75	Salt.	3%
76	Slates and slate pencils, chalk-sticks and crayons, exercise and drawing books, lead pencils, orreries and their parts, fountain pens, ball pens, stylograph pens, propelling pencils and refills.	3%
77	Sugarcane.	2%
78	Water-mineral, medicinal, distilled or demineralised water, water for injection and plain aqua excluding aerated water.	4%
79	Flower seeds, fruit seeds, vegetable seeds, seeds of lucerne and other fodder grass, seeds of the canna, hemp, bulb corns, rhizomes, suckers and tubers (including edible tubers), bud grafts, cuttings, grafts, layers, seedlings and plants.	2%
80	Poultry feed and concentrates exclusively meant for poultry or other birds.	3%
81	Safety matches (excluding matches ordinarily used as fire works).	5%
82	Sports goods, gymnasium goods, marbles, pebbles and musical instruments.	4%
83	Insecticides excluding oils used as insecticides, pesticides, fungicides and weedicides.	4%

SCHEDULE 'A'—*Contd.*

(1)	(2)	(3)
84	Ice and dry ice.	3%
85	Fowls of all sorts, ducks and birds.	3%
86	Human hair and animal hair.	5%
87	Mercury.	4%
88	Bee wax, baby berry wax and wax excluding petroleum wax.	3%
89	Brooms.	3%
90	Vitamins.	6%
91	Kerosene.	4%
92	Red earth.	4%
93	Cotton yarn used for handlooms and handloom cotton cloth.	5%
94	All articles other than those specified in the preceding entries of this Schedule.	4%

SCHEDULE 'B'

[*See* section 152 C (*1*)]

Articles free from payment of cess

Serial No.	Description of Goods
(1)	(2)
1	Electricity.
2	Aeroplanes of all kinds including helicopters and components, parts and accessories of any of them.
3	Mica graphite and activated earth.
4	Currency notes and coins.
5	Fertilisers and manures including chemical manures.
6	Silk worm eggs and silk worm cocoons.
7	Life saving drugs and all medicines excluding tooth powder or toothpaste, cosmetics, toilet requisites and soaps, whether used as medicine or otherwise, blood and herbal drugs.

SCHEDULE 'C'

[*See* section 152 C (*2*)]

List of goods on which cess shall not be payable to the Corporation

Serial No. (1)	Description (2)
1	*Bona-fide* personal luggage of passenger arriving by the air, sea, river, rail or road and articles for their private and personal use, which have already been in use at the time of import.
2	Machines worked by manual power for *bona-fide* use of educational institutions.
3	Camp equipment of Government officers on tour.
4	Necessary (not being articles of food and drink) equipments and clothing procured by the officers in command of troops for the direct and exclusive use of their men and camp followers, if and when accompanied at the time they enter the cess limits by a certificate of the officer commanding that they are so intended.
5	Goods entering the cess limits either in exhibition train itself, or for being placed in any exhibition to be held in the cess limits but not for sale; in the latter case on the production of certificate to that effect from the Secretary or the Manager managing the said exhibition.
6	*Bona-fide* commercial samples meant for free distribution and not meant for transfer or sale so certified by the importer.
7	Goods imported by rail, sea or air and rebooked and exported without being removed from the premises of the railway, docks, *bunders*, wharfs and airports.
8	Goods imported in accordance with the orders of a Court of law in connection with its official use.
9	Used furniture, tents, *chholddaries*, crockery, utensils, lamps, ballies, hired for parties, marriage ceremonies and public functions outside the cess limits which were so taken outside with the written permission of a Cess Authority and which are accompanied by the said written permission, while re-entering the cess limits.
10	Machinery, instruments and other articles and their components parts which were taken outside the cess limits for the purposes of

SCHEDULE 'C'—*Contd.*

(1)	(2)
	repairs or processing, if imported with the written permission of a Cess Authority and are accompanied by the said written permission, while re-entering the cess limits.
11	Free gifts of any goods received as aid or relief supplied from any foreign Government or its recognized agency operating in India. *Explanation I*.—For the purpose of this entry, " recognized agency" means an agency specified as such by the State Government, by an order published in the *Official Gazette*. *Explanation II*.—If any doubt arises as to whether any particular gift is eligible for exemption under this entry or not, the matter shall be referred to the State Government, whose decision shall be final.
12	All contraceptives, drugs or appliances used for Family Planning purposes.
13	(*i*) Cotton, hand spun yarn and *Khadi* cloth. (*ii*) Woollen hand spun yarn and hand woven cloth, including *Ghongadis*. (*iii*) Hand spun and reeled silk yarn and hand woven silk cloth, including tassar yarn and cloth. (*iv*) Village industries products. *Explanation.*—The exemption from payment of cess under this entry shall be given subject to the condition that the goods are certified by the Maharashtra State Khadi and Village Industries Board, or the Khadi and Village Industries Commission.
14	Empty Treasure Boxes supplied by the Reserve Bank of India to its Agency Banks for packing the Government Treasure for dispatch to Agency Banks or to the Head Office of the Bank.
15	Concessional quality white printing paper supplied by the Government of India.
16	Locally manufactured articles consigned from within the limit of the City but returned to the consigner within six months from

SCHEDULE 'C'—*Contd.*

(1)	(2)
	the date of their export on account of the refusal of the consignee to accept the same either wholly or partly subject to the furnishing of adequate documentary evidence.
17	(*i*) Flat plate solar collectors. (*ii*) Concentrating and pipe type solar collectors. (*iii*) Solar cookers. (*iv*) Solar waterheaters and systems. (*v*) Air/gas/fluid heating systems. (*vi*) Solar crop driers and systems. (*vii*) Solar stills and desalination systems. (*viii*) Solar pumps based on solar thermal and solar photovoltaic conversion. (*ix*) Solar power generating systems. (*x*) Solar photovoltaics modules and panels for water pumping and other applications. (*xi*) Wind mills and any specially designed devices which run on wind mills. (*xii*) Any special devices including electric generators and pumps running on wind energy. (*xiii*) Biogas plants and biogas engines. (*xiv*) Agricultural and municipal waste conversion devices producing energy. (*xv*) Equipments for utilizing ocean waves and thermal energy.
18	Films imported by educational institutions recognized by the Government for the purpose of free education to students.
19	*Bona-fide* luggage and kit belonging to a travelling circus, or to a travelling company, performing Dramas, *Lok Natyas* or *Tamashas* and which is to be used for the performance of the Dramas, *Lok Natyas* or *Tamashas*, as the case may be.
20	(*a*) Bread (Handmade); (*b*) *Ganesh* idols made of either clay or plaster of paris, brought at the time of *Ganesh Chaturthi*.]

[1][*SCHEDULE 'D'*]*

(*See* section 453)

CHAPTER I.

ELECTION RULES.

Municipal Election Roll.

Election Roll to be kept for public inspection.

[2][1. Printed copies of the municipal election roll shall be kept for public inspection in the chief municipal office and such other places as the Commissioner may think fit.]

Elections of Councillors.

Dates of nominations.

7. (*1*) The nomination of candidates for general ward elections of councillors shall be fixed by the Commissioner to take place on such days in the three months immediately preceding the date on which the term of office of the councillors elected at the last preceeding general elections is due to expire under section 6 as he shall think fit.

(*2*) The nomination of candidates for elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

Notice to be given of day fixed for nomination of candidates for ward elections.

8. Fifteen days at least before the day fixed for the nomination of candidates for a ward election notice thereof shall be given by the Commissioner. Such notice shall be given by advertisement in the *Official Gazette* and in the local newspapers and by posting playcards in conspicuous places in the ward for which such election is to take place.

Provisions regarding nomination of candidates.

9. (*1*) Candidates for election at a ward election must be duly nominated in writing in accordance with the provisions hereinafter contained.

(*2*) With respect to such nominations, subject to sub-rule (*3*), the following provisions shall have effect, namely —

(*a*) nomination papers shall be in Form A;

(*b*) the Commissioner shall provide printed forms of nomination papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the nomination of candidates and upto four o'clock in the afternoon on such day, with as many such forms as may be required, free of charge;

(*c*) each nomination paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitle to vote at the election as proposer and seconder and must bear the signature of the person nominated in token of his willingness to be so nominated;

(*d*) every nomination paper subscribed and signed as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of day fixed for the nomination of candidates ;

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[1] This heading was substituted for the heading " The Schedule " by Mah. 3 of 1996, s. 8(*a*).

[2] Rule 1 was substituted for rules 1 to 6 by Mah. 34 of 1965, s. 10 (*a*).

* Amendments in this Shedule have been incorporated as per the Act, enacted by the Maharashtra State Legislature.

(*e*) each candidate must be nominated by a separate nomination paper ;

[1] * * * * *

(*f*) The Commissioner shall on receiving a nomination paper enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him ;

(*g*) if any person subscribes more nomination papers than [2][one, the nomination papers received after the receipt of the first shall be deemed to be invalid];

(*h*) if any person nominated —

[3][(*i*) is not qualified to be elected as a councillor under sub-section (*1*) of section 9],

(*ii*) has not made or caused to be made the deposit referred to in sub-rule (*1*) of rule 10, or

(*iii*) is disqualified under any provision of this Act for being a councillor, the Commissioner shall declare such person's nomination invalid;

(*i*) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 18 ;

(*j*) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected and for the remaining vacancy or vacancies, it shall be deemed that no councillor has been elected, and proceedings for filling such vacancy or vacancies shall be taken under section 18 ;

(*k*) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected ;

(*l*) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed "a contested election":

Provided that if any candidate validly nominated dies or signifies in writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates his intention not to contest the election, then, if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected :

Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election ;

(*m*) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under clause (*i*) or clause (*j*), to

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[1] The portion begining with words " but any person " and ending with words " but no more " was deleted by Mah. 26 of 1967, s. 3(*a*)(*i*).

[2] This portion was substituted, *ibid*, s. 3 (*a*)(*ii*).

[3] This sub-clause was substituted for the original by Mah. 12 of 1990, s. 8.

be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of these wards he shall serve; the choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void;

(*n*) if, when ward elections are held as aforesaid, any person who is deemed, under clause (*i*) or clause (*j*), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed by him and delivered to the Commissioner, whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

(*3*) No councillor shall be deemed under sub-rule (*2*) to have been elected for a seat reserved for [1][members of the Scheduled Castes] in any ward unless he is a [1][members of the Scheduled Castes] and in respect of any such seat the following further provisions shall apply, namely —

(*a*) if for any vacancy of a seat reserved for [1][members of the Scheduled Castes] there is no validly nominated candidate eligible to fill such seat, it shall be deemed that no councillor has been elected, and proceedings for filling the vacancy shall be taken under section 18;

(*b*) if for any such vacancies the number of validly nominated candidates so eligible is less than that of the vacancies, such candidates shall be deemed to be elected, and for the remaining vacancy or vacancies it shall be deemed that no councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under section 18 ;

(*c*) if for any such vacancies the number of validly nominated candidates so eligible is equal to that of the vacancies, such candidates shall be deemed to be elected;

(*d*) if any candidate validly nominated as eligible dies or signifies in writing to the Commissioner not later than seven days after the date appointed for the nomination of candidates his intention not to contest the election, then, if the remaining number of validly nominated candidates so eligible is less than or the same as that of the vacancies, the remaining validly nominated candidates so eligible shall be deemed to be elected.

1 These words were substituted for the word " Harijans " by Bom. 53 of 1959, s.2, Sch.

Deposit by candidates.

10 (*1*) On or before the date appointed for the nomination of candidates for a ward election, each candidate shall deposit or cause to be deposited with the Commissioner the sum of one hundred rupees in cash or in Government securities of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(*2*) The deposit shall be returned if —

(*a*) the candidate is declared or is deemed to be duly elected,

(*b*) the candidate signifies his intention in writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates not to contest the election,

(*c*) the nomination of the candidate is declared invalid,

(*d*) the candidate dies, after the scrutiny of nomination paper and before the commencement of the poll, or

(*e*) the candidate fails to be elected but secures valid votes in excess of the number specified in sub-rule (*4*).

(*3*) The deposit shall be returned to the person by whom it was made. If a candidate dies before the day fixed for the poll, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(*4*) If a candidate is not elected and if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidates is nominated, the deposit shall be forfeited to the Corporation.

(*5*) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under rule 39 :

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation.

Poll to be taken when a ward election is contested and names of validly nominated candidates to be published.

11. (*1*) When a ward election is contested, a poll shall be taken on such date, not less than twenty-one days after the day appointed for the nomination of candidates as the Commissioner may fix. At such poll, the municipal election or roll which was in operation on the day appointed for the nomination of candidates shall be deemed to be the roll to which reference must be made for the purpose of the election.

(*2*) At least three days before the day of the poll, the Commissioner shall cause the names of all persons validly nominated, with their respective abodes and decriptions, to be published in the *Official Gazette* and in the local newspapers.

Provisions respecting contested ward elections.

12. With respect to the contested ward elections the following provisions shall have effect, namely:—

(*a*) votes shall be given by ballot and in person; no votes shall be received by proxy;

(*b*) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-rule (*2*) of rule 11 as having been validly nominated ;

(*c*) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held;

[1] * * * * *

[2][(*e*) every elector shall be entitled to give only one vote, and he may give that vote only to any one of the candidates ;]

[3] * * * * *

(*g*) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of these candidates to be delcared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the present of the Commissioner in such manner as he shall determine ;

(*h*) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and deliverd to the Commissioner, or in his default the Commssioner shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive;

(*i*) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same ;

(*j*) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of vaild votes given for each candidate and shall cause lists to be prepared for each ward, specifying the names of all cadidates, and the number of valid votes given to each candidate; in accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward.

Voting in Ward Elections.

Hours of commencement and close of poll.

13. The Commissioner shall fix the hour at which polling shall commence and the hour at which it shall close on the date fixed under rule 11 for taking a poll.

Polling stations and presiding officers.

14. (*1*) The Commissioner shall select for each ward as many polling stations as he thinks necessary and shall publish, in such manner as he deems sufficient, a list showing the polling stations so selected and the polling areas for which they have respectively been selected.

(*2*) The Commissioner shall appoint a presiding officer for each polling station and such other persons, hereinafter referred to as polling officers, to assist the presiding officer as he thinks necessary.

[1] Clause (*d*) was deleted by Mah. 34 of 1965, s. 10(*b*).

[2] Clause (*e*) was substituted by Mah 26 of 1967, s. 3(*b*)(*i*).

[3] Clause (*f*) was deleted, *ibid*., s. 3(*b*)(*ii*).

(*3*) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(*4*) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorised in this behalf by the Commissioner.

Duties of presiding officer.

15. (*1*) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(*a*) the polling officers, the candidates and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate and authorised in this behalf by the Commissioner,

(*b*) the polling officers or other public servents on duty, and

(*c*) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

[1][(*2*) The presiding officer shall close the polling station at the hours fixed in that behalf under rule 13, and shall not thereafter admit any elector into the polling station :

Provided that, all electors present at the polling station before it is closed shall be allowed to cast their votes.

(*3*) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer, and his decision shall be final.]

Removal from polling station for misconduct.

16. If any person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer or the polling officer performing the duties of the presiding officer he may immediately, by order of the presiding officer or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer or such polling officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer or such polling officer, be allowed again to enter the polling station during the day:

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

[2]* * * * * * * *

Voting compartment.

18. Each polling station shall be furnished with such number of compartments, in which electors can record their votes screened from observation, as the Commissioner thinks necessary.

Supply of election materials and ballot boxes.

19. The Commissioner shall provide at each polling station materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot boxes as may be necessary, and copies of the election roll or of such part thereof as contains the names of the electors entitled to vote at such polling station.

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[1] Sub-rules (*2*) and (*3*) were substituted for original sub-rule (*2*) by Mah. 24 of 1979, s.2(*2*)(*a*).

[2] Rule 17 was deleted, *ibid* s. 2(*2*)(*b*).

Sealing of ballot boxes.

20. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

Procedure before ballot paper is delivered to elector.

21. Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the election roll, shall be called out and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the election roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the ward and the name or distinctive number of the polling station and the signature or thumb impression of the elector.

Voting.

22. The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station, and [1][there make a mark on the ballot paper with the instrument supplied for the purpose either at the place provided for putting a cross or on or near the name and symbol of the candidate for whom he intends to vote,] and fold it up so as to conceal his vote, and shall put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

Assistance to electors.

23. The presiding officer shall give such assistance as may be required to any elector who is by reason of infirmity or illiteracy unable to vote in the manner prescribed.

Identity of electors.

24. At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such polling station, and shall, if so required by a candidate or polling agent, put to the elector the following questions :—

(*1*) Are you the person enrolled as follows (reading the whole entry from the roll) ? and

(*2*) Have you already voted at the present election in this ward ? and at a general election—

(*3*) Have you already voted at this election in any other ward ? and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative.

Form of ballot paper.

25. (*1*) The ballot paper shall be in Form B.

(*2*) The ballot papers shall be serially numbered, the serial number being printed on the counter foil and on the back of the ballot paper.

[1] These words were substituted for the words " there mark his paper " by Mah. 24 of 1979, s. 2(*2*)(*c*).

Tendered votes.

26. If the person representing himself to be a particular elector named on the election roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entiled to mark a ballot paper in the same manner as any other elector. Such balllot paper (hereinafter referred to as a tendered ballot paper) shall, instead of being placed in the ballot box, be given to the presiding officer and endorsed by him with the name of the elector and his number on the election roll and the name of the ward to which the election roll relates, and shall be set aside in a separate packet and shall not be counted by the Commissioner. The name of the elector and his number on the election roll and the name or distinctive number of the polling station to which the election roll relates shall be entered in a list in Form C which shall bear the heading "Tendered Votes List". The person tendering such ballot paper shall sign his name and address thereon or, if he is unable to write, affix his thumb impression against the entry in that list.

Challenged votes.

27. If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may required such person to enter in the list of challenged votes (which shall be in Form D) his name and address or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person, on being questioned in the manner provided in rule 24 answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The presiding officer shall make a note of the circumstances and of his decision on the list of challenged votes :

Provided that a deposit of Rs. 20 may be demanded for each such challenge which shall be forfeited if, on inquiry, the challenge is found to be frivolous and not made in good faith.

Spoilt ballot papers.

28. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be use as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt ballot paper, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

Voting by officers on duty at polling stations.

29. (*1*) A presiding officer, polling officer or polling agent [1][for other public servant, who is on any duty connected with the election at or near a polling station] at which he is not entitled to vote, shall, if he is certified by the Commissioner to be entitled to vote at the election for the ward in connection with which he is employed or for any other ward, be allowed to record his vote at that polling station. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the election roll for that ward in which that polling station is situate. A certificate issued under this rule shall be in Form E.

(*2*) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in sub-rule (*1*) to the Commissioner who shall cause such ballot paper to be included among the valid ballot papers of the appropriate ward.

[1] These word were substituted for words "who is on duty at a polling station" by Mah. 24 of 1979, s. 2(*1*)(*d*).

Despatch of ballot papers.

30. The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal:—

(1) each ballot box in use at each polling station unopened but with the key attached ;

(2) the unused ballot papers ;

(3) the tendered ballot papers ;

(4) the spoilt ballot papers ;

(5) the marked copy of the election roll;

(6) the counterfoils of the ballot papers ;

(7) the tendered votes list; and

(8) the list of challenged votes ;

and shall after endorsing on each packet a description of its contents deliver such packets to the Commissioner.

Statement to be sent to commissioner with ballot papers.

31. The packets shall be accompanied by a statement in Form F made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers, and ballot papers dealt with under rule 29.

Postponement of poll; adjournment of poll.

32. Notwithstanding anything contained in this Act, the Commissioner may, for sufficient cause to be recorded in writing, postpone the date or extend the period fixed for polling. In emergencies such as disturbance of the public peace, the presiding officer may, with the previous approval of the Commissioner, close the poll and announce an adjournment of the poll to a subsequent day.

The subsequent date to which polling is postponed or adjourned shall be notified in such manner as the Commissioner thinks fit.

Scrutiny and Counting of Votes and Declaration of Results.

Appointment of date, time and place for counting of votes.

33. The Commissioner shall, as soon as may be practicable after the close of the poll, give notice in writing to all candidates of the date, time and place fixed by him for the counting of votes.

Who may be present at the counting of votes.

34. (*1*) No person shall be allowed to be present at the counting of votes except the Commissioner and such persons as he may appoint to assist him in counting the votes, the candidates, and one representative of each candidate authorised in writing by the candidate in this behalf.

(*2*) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

Procedure to be followed at the counting of votes.

35. On the day and at the time appointed under rule 33 the Commissioner shall proceed as follows :—

(*a*) the ballot box or boxes relating to each polling station or the envelopes containing the ballot papers, as the case may be, shall be

opened one after another and the Commissioner shall take out the ballot papers therefrom, count them or cause them to be counted, and record the number thereof in a statement; such statement shall not be shown to any candidate or representative of a candidate;

(*b*) the Commissioner shall then mix together all the ballot papers so taken out and distribute them in convenient bundles to the persons appointed to assist in counting the votes ;

(*c*) when the ballot papers have been so distributed, but not before, the Commissioner shall allow the candidates and their representatives reasonable opportunity to inspect, without handling, the ballot papers, and shall on every ballot paper which is wholly or partially rejected, endorse the word "rejected"; if any candidate or representative present questions the correctness of the rejection, he shall also record on the ballot paper, the grounds for the rejection. No candidate or representative shall be allowed to see the serial number on the back of any ballot paper ;

(*d*) the Commissioner shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets, and other documents relating to the election under his own seal and the seals of such candidates or representatives as may desire to affix them, and shall cause adequate precautions to be taken for their safe custody;

(*e*) when the counting of the votes has been completed, the Commissioner shall, subject to the provisions of rule 12, forthwith declare the result of the election.

Grounds of rejection of ballot paper.

36. (*1*) A ballot paper shall be rejected if—

(*a*) the number of votes recorded thereon exceeds the number of seats to be filled;

(*b*) no vote is recorded thereon ;

(*c*) more than one vote has been recorded against the name of any one candidate;

(*d*) it is void for uncertainty ;

(*e*) it bears any mark by which the elector can be identified.

(*2*) The decision of the Commissioner as to the validity of a ballot paper shall be final, subject only to reversal on a election petition claiming the seat.

Verification.

37. The Commissioner shall not open the sealed packets of the tendered votes, the marked copy of the election roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under rule 31 by comparing it with the number of counted ballot papers and rejected ballot papers, the spoilt ballot papers and the ballot papers dealt with under rule 29, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

Return.

38. The Commissioner shall then prepare and certify a return setting forth :—

(*1*) the result of the verification referred to in rule 37 ,

(*2*) the names of the candidates for whom valid votes have been given ,

(*3*) the number of valid votes given for each candidate ,

(*4*) the name of the candidate elected ,

(*5*) the number of votes declared invalid, and

(*6*) the number of tendered votes given, and shall permit any candidate or his representative duly authorised under rule 34 to take a copy or an extract from such return.

Declaration of results of elections.

39. (*1*) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place in the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate under the signature of the Commissioner.

(*2*) The names of the persons elected to be councillors shall be published, as soon as may be, in the *Official Gazette*.

Disposal of Ballot Papers.

Custody of election papers.

40. The Commissioner shall, after declaring the result, retain in his custody the packets and return referred to in rules 37 and 38 and all other documents relating to the election.

Production and inspection of election papers.

41. While in the custody of the Commissioner the packets of ballot papers, whether counted, rejected or tendered, of the counterfoils thereof, and of the marked copy of the election roll, shall not be opened and their contents shall not be inspected or produced except under the order of the Judge, but all other documents relating to the election shall be open to public inspection, subject to such conditions and to the payment of such fee as the Corporation may prescribe; and any person, on compliance with such conditions and on payment of such fee, shall be entitled to obtain a copy or copies thereof or of any part thereof.

Destruction of election papers.

42. The packets referred to in rule 41 and all other documents relating to the election shall be retained for a period of one year, and shall thereafter be destroyed, subject to any directions to the contrary given by the Judge.

General Provisions.

Power of Commissioner or presiding officer to overlook printing or clerical errors in election roll.

43. If a question arises for the decision of the Commissioner or a presiding officer under these rules whether an entry in the election roll relates to a particular person, the Commissioner or presiding officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein.

Certain powers, etc., not to be delegated by Commissioner.

44. Notwithstanding anything contained in section 69, it shall not be lawful for the Commissioner to authorise any municipal officer or servant to exercise any of the powers or perform any of the functions conferred or imposed upon or vested in him by rules [1]* * 7, 8, 9,11, 12 and 39.

Powers of Commissioner in case of difficulty.

45. If any difficulty arises as to the holding of any election under this Act, the Commissioner may do anything not inconsistent with the Act or rules which appears to him to be necessary for the proper holding of the election.

Decisions given by Commissioner final.

46. Subject to the provisions of section 16 [2]* ***** all decisions given by the Commissioner under the powers conferred on him by the rules in this Chapter shall, be final.

CHAPTER II

PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, ETC.

Proceedings of the Corporation.

Provisions regulating Corporation's proceedings.

1. (*a*) There shall be in each month at least one ordinary meeting of the Corporation which shall be held not later than the twentieth day of the month;

(*b*) the first meeting of the Corporation after general elections shall be held as early as conveniently may be on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent date to be fixed by the Commissioner;

(*c*) the day, time and place of meeting shall in every other case be fixed by the Mayor or in the event of the office of Mayor being vacant, or of the death or resignation of the Mayor or of his ceasing to be a councillor, or of his being incapable of acting, by the Deputy Mayor, or failing both the Mayor and the Deputy Mayor, by the Chairman of the Standing Committee ;

(*d*) the Mayor or, in such event as aforesaid, the Deputy Mayor may, whenever he thinks fit, and shall upon a written requisition signed by not less than one fourth of the whole number of councillors or by not less than four members of the Standing Committee, call a special meeting and every meeting of the Corporation shall, except for special reasons to be mentioned in the notice convening the meeting, be held in the chief municipal office;

(*e*) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution which shall be put by the presiding authority, of his own motion or at the request of any councillor present, without previous discussion, that any inquiry or

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[1] The figures and brackets " 3, 4(*1*), 5 " were deleted by Mah. 34 of 1965, s. 10(*c*).

[2] The words and figures " and rule 2 " were deleted, *ibid*., s. 10(*d*).

deliberation pending before the Corporation is such as should be held in private, and provided that the presiding authority may at any time cause any person to be removed who interrupts the proceedings ;

(*f*) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present, inclusive of the presiding authority, falls short of one-third of the whole number of councillors, the presidng authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting, or if the latter meeting should be again adjourned, at any subsequent adjourned meeting, whether there be a quorum present thereat or not;

(*g*) every meeting shall be presided over by the Mayor, if he is present at the time appointed for holding the same, and, if the office of Mayor is vacant or if the Mayor is absent, by the Deputy Mayor or, in the absence of the Deputy Mayor, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion ;

(*h*) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget estimate, in pursuance of a written requisition signed by not less than four members of the Standing Committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(*i*) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat other than questions under section 44 and shall be given by the Municipal Secretary by advertisement in at least one local newspaper having a substantial circulation and, as far as practicable, a copy of such notice shall be sent by ordinary post to the last known address of every councillor;

(*j*) any councillor who desires at any meeting to bring forward any business, other than any questions under section 44, or to make any substantive proposition which is not already specified in the notice of such meeting, shall give written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said secretary in a local newspaper not later than the day previous to the meeting;

(*k*) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (*i*) and any questions asked under section 44 or urgent business not specified in the said notice which the Standing

Committee, Transport Committee or the Commissioner deem it expedient to bring before the meeting and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (*j*) or which is not in support of the recommendation of the Standing Committee, Transport Committee or Commisisoner with reference to any urgent business brought by any of those authorities respectively before the meeting :

Provided that no such urgent business as aforesaid shall be brought before any meeting, unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than one-fourth of the whole number of councillors, assent to its being brought forward thereat;

(*l*) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget estimate, as the case may be; and no proposition involving any change in the taxes which the Standing Committee proposes to impose or the fares or charges which the Transport Committee proposes to levy or an increase or decrease of any item of expenditure in a budget estimate, shall be made or discussed at any meeting at which such budget estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (*i*) or in the supplementary announcement, if any, published under clause (*j*) or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (*m*) has been fulfilled ;

(*m*) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business or propositions remaining undisposed of at the meeting from which the adjournment took place :

Provided that at any adjourned meeting at which a budget estimate is under consideration a proposition involving any change such as is described in clause (*l*) may be made and discussed notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place if each of the following conditions has been fulfilled, namely:—

(*i*) that written notice of such proposition has been given at the meeting from which the adjournment look place ;

(*ii*) that the adjournment has been for not less than two clear days; and

(*iii*) that a special announcement of the proposition has been given by the Municipal Secretary (who shall be bound to give such announcement) in a local daily newspaper not later than the day previous to the adjourned meeting;

(*n*) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and kept by the Municipal Secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting; and the said minute-book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge and by any other person on payment of a fee of eight annas ;

(*o*) every question other than the question whether the Standing Committee, Transport Committee or Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, unless otherwise provided in or under this Act, the presiding authority having a second or casting vote when there is an equality of votes;

(*p*) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(*q*) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book;

(*r*) no resolution passed by the Corporation shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors or by such larger number of councillors as may be required by this Act in any particular case and passed at a meeting whereof notice shall have been given fulfilling the requirements of clause (*h*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

[1][(s) where, any proposal of the Commissioner requires sanction or approval of the Corporation, the Corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the Corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the Corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.

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1. Clause (*s*) was added by Mah. 32 of 2011, s. 30(*a*).

Power to order withdrawl of councillor.

2. (*1*) The presiding authority shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation and such councillor shall do so forthwith and shall absent himself during the remainder of the day's meeting.

(*2*) If any councillor is ordered to withdraw a second time within fifteen days, the presiding authority may suspend such councillor from attending the meetings of the Corporation for such period not exceeding fifteen days as the presiding authority may fix and the councillor so directed shall absent himself accordingly:

Provided that the presiding authority may remit the period of suspension on apology being made to his satisfaction by the councillor under suspension:

Provided also that such suspension from the service of the Corporation shall not prevent any councillor from participating in the proceedings of any committee of which he is a member.

(*3*) The presiding authority may, in the case of grave disorder arising in a meeting, suspend the meeting for a period not exceeding three days.

Proceedings of the Standing Committee.

Provisions regulating the proceedings of the Standing Committee.

3. (*a*) There shall be a meeting of the Standing Committee once a week, and at such other times as shall be found necessary ;

(*b*) the first meeting of each Standing Committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of the Standing Committee shall be held on such day and at such time as the said Committee from time to time determines ;

(*c*) the Chairman of the Standing Committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said Committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said Committee ;

(*d*) no business shall be transacted at a meeting of the Standing Committee unless at least five members are present from the beginning to the end of such meeting ;

(*e*) every meeting of the Standing Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeeting, and, if the Chairman is absent by such one of the members present as may be chosen by the meeting to be chairman for the occasion;

(*f*) every question shall, except as otherwise provided in this Act, be decided by a majority of votes of the members of the Standing Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes ;

(*g*) a sub-committee may elect a chairman of its meetings, and if no such chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee present shall choose one of its member to be Chairman of such meeting ;

(*h*) sub-committees may meet and adjourn as they think proper, but the Chairman of the Standing Committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee;

(*i*) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present, and in case of an euqality of votes, the Chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the and thereof;

(*j*) a minute shall be kept by the Municipal Secretary of the names of the members present and of the proceedings at each meeting of the Standing Committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting.

[1][(k) where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by such committee and the report to that effect shall be made by the Commissioner to the Corporation :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.]

Proceedings of the Transport Committee.

Meetings of Transport Committee.

4. (*a*) The Transport Committee shall meet for the despatch of business in the chief municipal office or at such other place as the Corporation may direct;

(*b*) there shall be a meeting of the Transport Committee once a fortnight and at such other times as shall be found necessary;

(*c*) the first meeting of the Transport Committee shall be held on a day and at a time to be fixed by the Mayor and, if not held on that day, shall be held on some subsequent day to be fixed by the Mayor; and every subsequent meeting of the Committee shall be held on such day and at such time as the Committee may from time to time determine;

(*d*) the Chairman of the Transport Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the Transport Manager, or by not less than three members of the Committee, within forty-eight hours of the receipt by him of the requisition, call a special meeting of the Committee for the transaction of any business ;

(*e*) no business shall be transacted at a meeting of the Transport Committee unless at least four members are present from the beginning to the end of meeting;

(*f*) every meeting of the Transport Committee shall be presided over by the Chairman, if the Chairman is present at the time for holding the meeting, and, if the Chairman is absent, by such one of the members as may be chosen by the meetting to be chairman for the occasion;

1. Clause (*k*) was added by Mah. 32 of 2011, s. 30(*b*).

(*g*) every question shall, subject to the provisions of this Act, be decided by a majority of votes of the members of the Transport Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*h*) the Transport Committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the Committee at such meeting.

Questions.

Right to ask questions.

5. (*1*) Any question concerning or connected with the administration of this Act or the municipal government of the City may be asked by a councillor subject to the following conditions :—

(*a*) not less than seven clear days notice in writing specifying the question shall be given to the Municipal Secretary ;

(*b*) no question shall be asked—

(*i*) which calls for an experession of opinion or for the solution of an abstract legal question or of a hypothetical proposition ;

(*ii*) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of the Dominion of India;

(*iii*) which relates to the character or conduct of any municipal officer or servant except in his official or public capacity; or

(*iv*) which is, or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or community or section of any community.

(*2*) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-rule (*1*).

(*3*) If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (*1*) the Mayor shall decide the point and his decision shall be final.

(*4*) Unless otherwise directed by the presiding authority, every question shall be answered by the Commissioner at a meeting of the Corporation.

(*5*) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

(*6*) If any questions seek information which is available in any printed record of the Corporation, it shall be sufficient for the Commissioner in his answer to invite attention to such record.

(*7*) The Transport Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Transport Undertaking as he may require for the purpose of answering any question under this rule.

CHAPTER III.

METHOD OF APPOINTMENT OF CERTAIN MUNICIPAL OFFICERS AND SERVANTS AND THEIR DUTIES AND POWERS.

I. *Method of appointment.*

Manner of making appointment.

1. Save in the case of temporary appointments made under sub-section (*7*) of section 45 and in the case of acting appointments made under section 58 no person shall be appointed to any of the posts the power of appointment to which vests in the Corporation unless he possesses the qualifications prescribed in this behalf under rule 3.

2. Before making an appointment to any post referred to in rule 1 applications shall be invited for such post by advertisement in the local newspapers and the applications received shall be scrutinised by the Commissioner who shall submit to the Corporation, through a committee if so required by the Corporation, a list arranged in order of preference of such persons out of those who have applied as he considers qualified for the post:

Provided that, if the Corporation is of the opinion that any officer in municipal service possessing the qualifications prescribed under rule 3 is a fit person to be appointed to the post, it may appoint such officer to the post without following the procedure prescribed in this rule.

3. Subject to the provisions of this Act, the Corporation shall from time to time prescribe the qualifications required for each post, the power of appointment to which vest in the Corporation, with the approval of the [1][State] Government, who may, in granting such approval, make such modifications in, or additions to, the qualifications prescribed by the Corporation as it deems fit.

4. In the case of appointments made by any authority other than the Corporation no person shall be appointed except in a temporary or provisional capacity for a period not exceeding six months, unless he possess the qualifications specified in the regulations.

II. *Chief Auditor.*

5. (*1*) The Municipal Chief Auditor shall audit the accounts of the Corporation, as hereinafter provided, with the assistance of the assistant auditors, clerks and servants immediately subordinate to him.

(*2*) In the discharge of his functions under this rule the Municipal Chief Auditor shall—

(*i*) audit the accounts of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether moneys

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(*ii*) audit the accounts of debt, deposit, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(*3*) The Municipal Chief Auditor shall examine and audit the statement of accounts relating to the commercial services conducted in any department of the Corporation, including the balance sheets, where such accounts are maintained under the orders of the Corporation, the Standing Committee or the Transport Committee; and shall certify and report upon these accounts.

(*4*) The Municipal Chief Auditor shall, in consultation with the Standing Committee, and subject to any directions given by the Corporation, determine the form and manner in which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports.

6. (*1*) The Municipal Chief Auditor may make such queries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(*2*) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the Chief Auditor.

(*3*) The powers of the Municipal Chief Auditor with regard to disapproval of, and the procedure with regard to settlement of objections to, expenditure from the revenues of the Corporation shall be such as may be prescribed by regulations.

7. If the Municipal Chief Auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said office for inspection.

8. The Municipal Chief Auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

9. The Municipal Chief Auditor shall have authority to frame rules, and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

10. Sanctions to expenditure accorded by the Municipal Chief Auditor shall be audited by an officer to be nominated by the Corporation.

CHAPTER IV.

ESSENTIAL SERVICES.

Class I.

(*a*) Scavenging or cleansing streets or premises,
(*b*) maintaining, repairing, cleansing or flushing drains,
(*c*) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals or cesspools,
(*d*) removing carcasses,
(*e*) preventing nuisances generally.

Class II.

(*a*) Fire brigade service,
(*b*) services in connection with the maintenance or service of any municipal water works, drains, pumping stations or fire hydrant, including—

(*i*) Inspectors,
(*ii*) Sub-Inspectors,
(*iii*) Foremen,
(*iv*) Mechanics,
(*v*) Drivers,
(*vi*) Watchmen,
(*vii*) Labourers,
(*viii*) Workmen,

(*c*) Lamp-lighters.

Class III.

(*a*) Electric undertaking services,
(*b*) transport services.

CHAPTER V.

CONTRACTS.

Mode of executing contracts.

1. (*1*) Every contract entered into by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged :

Provided that—

(*a*) any such contract which would require to be under seal if it were entered into by the Commissioner shall be sealed with the common seal of the Corporation ; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees or such higher amount as the Corporation, with the approval of the [1][State] Government, may from time to time prescribe shall be in writing and shall be sealed with the common seal of the Corporation in the manner prescribed in sub-rule (*2*), unless the contract relates to work which has already been performed or the supply of materials or goods which have already been supplied to the satisfaction of the Commissioner and the Commissioner by order in writing dispenses with the execution of a written instrument.

(*2*) The common seal of the Corporation, which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of [2][any two persons from amongst any two members of the Standing Committee, Municipal Secretary and any officer not below the rank of Deputy Municipal Commissioner, as may be authorised by the Commissioner] to every contract or other instrument [3][other than contract relating to the acquisition of immovable property or interest therein or a right thereto] required to be under seal and such contract or instrument shall be signed by [4][the said two persons] in token that the same was sealed in their presence. The signatures of [5][the said two persons] shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Tenders to be invited for certain contracts.

2. (*1*) Except as is hereinafter otherwise provided, the Commissioner or any officer authorised by him in this behalf shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve and expenditure exceeding [6][two lakhs] rupees or such higher amount as the Corporation may, with the approval of the [1][State] Government, from time to time prescribe, give notice by advertisement in the local newpapers, inviting tenders for such contract :

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] These words were substituted for the words " two members of the Standing Committee" by Mah. 32 of 2011, s.31(*a*)(*i*).

[3] These words were inserted, *ibid.*, s.31(*a*)(*ii*).

[4] These words were substituted for the words " the said two members of the Standing Committee". *ibid.*, s.31(*a*)(*iii*).

[5] These words were substituted for the words " the said members". *ibid.*, s.31(*a*)(*iv*).

[6] These words were substituted for the words " three thousand" *ibid.*, s. 31(*b*)(*i*).

[1][Provided that, the notice of any tender for contract below the amount of two lakhs rupees shall be uploaded on the official website of the Corporation.]

(*2*) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (*c*) of section 73, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

Provided that the Standing Committee may authorize the Commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

3. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under rule 2 and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Application of Chapter to contracts relating to Transport Undertaking.

4. The provisions of this Chapter shall, so far as may be, apply to contracts relating to the Transport Undertaking:

Provided that the functions to be performed thereunder by the Standing Committee or the members thereof and the Commissioner shall be performed by the Transport Committee or the members thereof and the Transport Manager, as the case may be.

CHAPTER VI.

SPECIAL FUNDS.

Contitution of Fines Funds.

1. Fines collected under section 56 from municipal officers and servants other than those appointed under the provisions of Chapter XX shall be credited to a separate fund to be called " the Fines Fund " the proceeds of which shall be expended in promoting the well-being of municipal officers and servants other than those appointed under the provisions of Chapter XX and for the payment of compassionate allowances, in accordance with such directions as the Standing Committee may from time to time give, to the surviving spouse or children, and in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, of such officers and servants who die while in municipal service.

Constitution of Welfare Funds.

2. Amounts transferred to the Municipal Fund under the provisions of clause (*c*) of sub-section (*1*) of section 360 shall be credited to a special fund to be called " the Welfare Fund " and shall be expended

[1] This proviso was added, by Mah. 32 of 2011, s. 31(*b*)(*ii*).

in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XX, and to such members of their families and their dependents as the Standing Committee may from time to time determine.

Special funds may be created with the approval of Corporation.

3. *(1)* With the previous approval of the Corporation, all moneys payable from time to time to the credit of the Municipal Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the municipal accounts.

(2) With the like approval, a portion of the Municipal Fund may from time to time be credited to a separate heading in the municipal accounts for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(*3*) If the Corporation is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

Institution of Transport Staff Benefit Fund.

4. Fines collected under section 56 from municipal officers and servants appointed under Chapter XX, donations from passengers and the proceeds of the sale of unclaimed lost property recovered from vehicles of the Transport Undertaking shall be credited to a separate heading in the accounts of the Transport Undertaking to be called the Transport Staff Benefit Fund and the amounts so credited shall be expended in promoting the well-being of such officers and servants and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the Transport Committee may from time to time determine.

Other special funds.

5. *(1)* With the previous approval of the Corporation, the Transport Committee may direct that any moneys payable from time to time to the credit of the Transport Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the accounts of the Transport Undertaking.

(*2*) With the like approval, a portion of the Transport Fund may from time to time be credited to a separate heading in the accounts of the Transport Undertaking for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(3) If the Transport Committee is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may, with the sanction of the Corporation, direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

CHAPTER VII.

BUDGETS.

Classification of budget heads.

1. The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units.

(*a*) " Major head " means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads.

(b) " Minor head " means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further sub-divided into two or more subordinate heads.

(*c*) " Subordinate head " means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further sub-divided into two or more primary units.

(d) " Primary unit" means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.

Reductions or transfers.

2. (*1*) Subject to the provisions of sub-section *(1)* of section 101, the Corporation may, on the recommendation of the Standing Committee from time to time during an official year, sanction the transfer of any amount from one budget grant to another.

(*2*) The Standing Committee may at any time during an official year—

(*a*) reduce the amount of a budget grant;

(b) sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head ; or

(c) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(*3*) The Commisioner may, at any time during an official year, sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability :

Provided that every transfer of an amount exceeding rupees five hundred made under sub-rule (*3*) shall be reported forthwith by the Commissioner to the Standing Committee.

(*4*) When making any transfer under sub-rules (*1*), (*2*) and (*3*), due regard shall be had to all the requirements of this Act.

(*5*) If any such reduction as is referred to in clause (*a*) of sub-rule (2) is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as it may think fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to such order.

(*6*) For the purpose of expenditure from the Transport Fund the provisions of this rule shall apply as if for the words "Standing Committee" the words "Transport Committee" and for the word "Commissioner" the words "Transport Manager" had been substituted.

CHAPTER VIII.

TAXATION RULES.

Notice of transfer, etc., of premises assessable to Property-taxes.

Notice to be given to Commissioner of all transfers of title of persons primarily liable to payment of property tax.

1. (*1*) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing to the Commissioner.

(*2*) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the Commissioner within one year form the death of the deceased.

Form of notice [1][and fee payable for transfer of title.]

2. (*1*) The notice to be given under rule 1 shall be in such form as the Commissioner may form time to time by public notice specify and shall state clearly and correctly all the particulars required by the said form.

(*2*) On receipt of any such notice, the Commissioner may, if he thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the [2] * * Registration Act, 1908, or, in case of a transfer of the title of a deceased person, of any other document constituting evidence of such transfer.

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[1] These words were added by Mah. 10 of 2010, s. 21 (*1*).

[2] The word "Indian" was deleted, *ibid.,* s. 21 (*2*).

(*3*) No such notice shall be deemed to be validly given unless the property taxes due at the date of notice in respect of the premises to which it relates have been paid and unless such fees as may from time to time be prescribed by the Standing Committee for acceptance of the notice has been paid.

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

3. (*1*) If any person primarily liable for the payment of a property-tax whose title to or over such premises is transferred fails to give notice of such transfer to the Commissioner, he shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books.

(*2*) Nothing in this rule shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 141 for the recovery of the property-taxes due thereupon.

Commissioner may call for information from Registrar.

4. (*1*) On the written request of the Commissioner, the Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the [1]* * Registration Act, 1908, in which the City is situate shall furnish such particulars regarding the registration of instruments of transfer of title to immovable properties in the City as the Commissiner may from time to time specify.

(*2*) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected or, if the Commissioner so requests, in periodical returns made at such intervals as the Commissioner may fix.

Notice to be given to Commissioner of the erection of a new building, etc.

5. (*1*) When any new building is erected, or when any building is rebuilt or enlarged or when any building which has been vacant is reoccupied [2][or when there is change of user of part or whole of the building] the person primarily liable for the property-taxes assessed on the building, shall within fifteen days give notice thereof, in writing, to the Commissioner.

(*2*) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof [3][and in the case of change of user of part or whole of the building, from the date of such change of user].

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[1] The word "Indian" was deleted by Mah. 10 of 2010, s. 22.

[2] These words were inserted, *ibid.,* s. 23 (*1*).

[3] These words were added, *ibid*., s. 23 (*2*).

Notice to be given to the Commisioner of demolition or removal of a building.

6. (*1*) When any building or any portion of a building which is liable to the payment of a property-tax is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall given notice thereof in writing to the Commissioner.

(*2*) Until such notice is given the person aforesaid shall continue liable to pay every such property tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished or removed :

Provided that nothing in this rule shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

Retable value how to be determined.

7. (*1*) In order to fix the rateable value of any building or land assessable to a property-tax there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year a sum equal to ten per cent. of the said annual rent, and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

(*2*) All plant and machinery contained or situate in or upon any building or land and belonging to any of the classes specified from time to time by public notice by the Commissioner, with the approval of the Corporation, shall be deemed to form part of such building or land for the purpose of fixing the rateable value thereof under sub-rule (*1*) but, save as aforesaid, no account shall be taken of the value of any plant or machinery contained or situated in or upon any such building or land.

(*3*) A statement setting out clearly the classes of plant and machinery specified from time to time by the Commissioner under sub-rule (*2*) and describing in detail what plant and machinery falls within each such class shall be prepared by the Commissioner under the directions of the Standing Committee and shall be open to inspection at all reasonable hours by members of the public at the chief municipal office.

(*4*) Printed copies of the statement prepared under sub-rule (*3*) shall be kept on sale at the chief municipal office at such price as the Commissioner may fix.

Capital value how to be determined.

[1][**7A.** (*1*) In order to fix the capital value of any building or land assessable to a property tax, the Commissioner shall have regard to the value of any building or land as indicated in the Stamp Duty Ready Reckoner for the time being in force as prepared under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, framed under the provisions of the *Bombay Stamp Act, 1958 [2][as a base value], or where the Stamp Duty Ready Reckoner does not indicate value of any properties in any particular area wherein a building or land in respect of which capital value is required to be determined is situate, or in case such Stamp Duty Ready Reckoner does not exist, then the

Bom. LX of 1958.

[1] Rule 7A was inserted by Mah. 10 of 2010, s. 24.

[2] These words were inserted by Mah. 27 of 2010, s. 13 (A) (*1*) (*a*).

* The short title was amended as "the Maharashtra Stamp Act" by Mah. 24 of 2012, s.2 and 3, Schedule, entry 67, with effect from the 1st May 1960.

Commissioner may fix the capital value of any building or land, [1][taking into consideration the market value of such building or land, as a base value. The Commissioner, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely :—]

(*a*) the nature and type of the land and structure of the building ;

(*b*) area of land or carpet area of building ;

(*c*) user category, that is to say, (*i*) residential, (*ii*) commercial (shops or the like), (*iii*) offices, (*iv*) hotels (upto 4 stars), (*v*) hotels (more than 4 stars), (*vi*) banks, (*vii*) industries and factories, (*viii*) school and college building or building used for educational purposes, (*ix*) malls, and (*x*) any other building or land not covered by any of the above categories;

(*d*) age of the building ; or

(*e*) such other factors as may be specified by Regulations made under sub-rule (*2*).

(*2*) The Commissioner shall, with the approval of the Standing Committee, frame such Regulations as respects the details of categories of building or land and the weightage by multiplication to be [2][assigned to various such factors and categories]for the purpose of fixing the capital value under sub-rule (*1*).

(*3*) The capital value of any building or land fixed under sub-rule (*1*) shall be revised every five years :

Provided that, the Commissioner may, for reasons to be recorded in writing, revise the capital value of any building or land any time during the said period of five years and shall accordingly amend the assessment-book in relation to such building or land under rule 20.

(*4*) The provisions of sub-rules (*2*), (*3*) and (*4*) of rule 7 shall *mutatis mutandis* apply for fixing the capital value also.]

Commissioner may call for informations or return from owner or occupier or enter and inspect assessable premises.

8. (*1*) To enable him to determine the [3][ratable value or the capital value, as the case may be,] of any building or land and the person primarily liable for the payment of any property tax leviable in respect thereof, the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier :—

(*a*) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land ;

(*b*) as to the dimensions of such building or land, or of any portion thereof and the rent, if any, obtained for such building or land, or any portion thereof ; and

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[1] These words were substitued for the words "taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely :—" by Mah. 27 of 2010, s. 13 (A) (*1*) (*b*).

[2] These words were substituted for the words "assigned to various such categories", *ibid*, s. 13 (A)(*2*).

[3] These words were substituted for the word "value", by Mah. 10 of 2010, s. 25 (*1*).

(*c*) as to the actual cost or other specified details connected with the determination of the [1][ratable value or the capital value, as the case may be,] of such building or land.

[2][(*d*) as to the details in respect of any or all the items as enumerated in clauses (*a*) to (*e*) of sub-rule (*1*) of rule 7A, in relation to such building or land or of any portion thereof.]

(*2*) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(*3*) Whoever omits to comply with any such requisition or fails to give true information or to make a true return to the best of his knowledge or belief shall, in addition to any penalty to which he may be liable, be precluded from objection to any assessment made by the Commissioner in respect of such building or land of which he is the owner or occupier.

(*4*) The Commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

Assessment-book.

Assessment book what to contain.

9. The Commissioner shall keep a book, to be called " the assessment-book" [3][in such form and manner as he may, with the approval of the Standing Committee, decide], in which shall be entered every official year—

(*a*) a list of all buildings and lands in the City, distinguishing each either by name or number as he shall think fit, and containing such particulars regarding the location or nature of each as will, in his opinion, be sufficient for identification ;

(*b*) the ratable value [4][or the capital value, as the case may be,] of each such building and land determined in accordance with the provisions of this Act and the rules ;

(*c*) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land;

[5][(*d*) if any such building or land is not liable to be assessed to the general tax or is exempted from payment of property-tax, either in whole or in part, the reason of such non-liability or exemption, as the case may be;]

(*e*) when the rates of the property-taxes to be levied for the year have been duly fixed by the Corporation and the period fixed by public notice, as hereinafter provided, or the receipt of complaints against the amount of ratable value [6][or the capital value, as the case may be,]

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[1] These words were substituted for the word "value", by Mah. 10 of 2010, s. 25 (*1*).

[2] Clause (*d*) was added *ibid*., s. 25 (*2*).

[3] These words were inserted, *ibid*., s. 26 (*1*).

[4] These words were inserted *ibid*., s. 26 (*2*).

[5] Clause (*d*) was substituted, by Mah. 10 of 2010, s. 26 (*3*).

[6] These words were inserted *ibid.,* s. 26(4)

entered in any portion of the assessment-book has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(*f*) if, under section 134 or 135, a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 137, the conservancy tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(*g*) such other details, if any, as the Commissioner from time to time thinks fit to direct.

The assessment book to be made separately for each ward and in part, if necessary.

10. (*1*) The assessment-book may, if the Commissioner thinks fit, be made in separate books, called "ward assessment-books", one for each of the wards into which the City is for the time being divided for the [1][administrative purposes] and each ward assessment-book may be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

(*2*) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

Treatment of property which is let to two or more persons in separate occupancies.

11. (*1*) When any building or land is let to two or more persons holding severally, the Commissioner may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

(*2*) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the Standing Committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general tax will be leviable in respect of the said property, sanction a draw-back of one-fifth part of the general tax so leviable.

(*3*) Every person who applies for a drawback under sub-rule (2) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and with such particulars as may be required by the Commissioner in accordance with the general conditions prescribed in this behalf by the Standing Committee.

Procedure where name of person primarily liable for property taxes cannot be ascertained.

12. (*1*) When the name of the person primarily liable for the payment property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

[1] These words were substituted for the words "purpose of election", Mah. 10 of 2010., s.27.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such true information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Public notice to be given when valuation of property in any ward has been completed.

13. (*1*) When the entries required by clauses (*a*), (*b*), (*c*) and (*d*) of rule 9 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

(*2*) Such public notice shall be given by advertisement in the local news papers and also by posting placards in conspicuous places throughout the ward [1][or by any other mode including eletronic media as the Commissioner may think fit.]

Assessment-book to be open to inspection.

14. (*1*) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(*2*) Any person not entitled under sub-rule (*1*) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

Time for filing complaints against valuations to be publicly announced.

15. (*1*) The Commissioner shall, at the time and in the manner prescribed in rule 13, give public notice of a day, not being less than [2][twenty-one days] from the publication of such notice, on or before which complaints against the amount of any ratable value [3][or the capital value, as the case may be,] entered in the ward assessment-book will be received in his office.

(*2*) In every case in which any premises have for the first time been entered in assessment-book as liable to the payment of property-taxes, or in which the ratable value [3][or the capital value, as the case may be,] of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-rule (*1*), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within [2][twenty-one days] from the service of the special notice.

Time and manner of filing complaints against valuation.

16. (*1*) Every complaint against the amount of any ratable value [4][or the capital value, as the case may be,] entered in the assessment-book or against the mention of the name of any person as primarily liable for the payment of property taxes or against the treatment of any building or land as liable to be assessed to the general tax must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(*2*) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

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[1] These words were added by Mah. 10 of 2010, s. 28.
[2] These words were substituted for the words "fifteen days" *ibid.*, s. 29, (*1*)(a) and 29 (*2*)(*b*).
[3] These words were inserted *ibid.,* s. 29 (*1*) (*b*) and 29 (*2*) (*a*).
[4] These words were inserted, *ibid.,* s. 30.

Notice to complainants of day fixed for investingating their complaints.

17. The Commissioner shall causes all complaints so received to be registered in a book to be kept for this purpose and shall give notice in writing, to each complainant, of the day, time and place when and whereat his complaint will be investigated.

Hearing of complaint.

18. (*1*) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(*2*) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(*3*) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under rule 17 and any necessary amendment shall be made in accordance with such result in the assessment-book.

Authentication of ward assessment-books when all complaints have been disposed of.

19. When all such complaints, if any, have been disposed of and the entries required by clause (*e*) of rule 9 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values [1][or the capital values, as the case may be,] entered in the said book.

(*2*) Thereupon the said ward assessment-book subject to such alteration as may thereafter be made therein under the provisions of rule 20 shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

Assessment-book may be amended by the Commissioner during the official year.

20. (*1*) Subject to the provisions of sub-rule (*2*) the Commissioner may upon the representation of any person concerned or upon any other information at any time during the official year to which the assessment-book relates amend the same—

(*a*) by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted ;

(*b*) by striking out the name of any person not liable to the property tax;

(*c*) by increasing or reducing the amount of any rateable value [2][or the capital value, as the case may be,] and of the assessment based thereupon;

(*d*) by altering the assessment on any land or building which has been erroneously valued or assessed through fraud, accident or mistake;

(*e*) by inserting or altering an entry in respect of any building erected, re-erected, altered, added to or reconstructed in whole or in part after the preparation of the assessment-book ;

(*f*) by making or cancelling any entry exempting any premises from liability to any property tax.

(*2*) Where any amendment is made under sub-rule (*1*) which has the effect of imposing on any person any liability for the payment of property taxes which would not be incurred but for such amendment or which has the effect of increasing the rateable value [2][or the capital value, as the case may be,] of any premises as stated in the assessment book, a special written notice as provided in sub-rule (*2*) of rule 15 shall be given by the Commissioner and, as far as may be, the procedure laid down in rules 16, 17 and 18 shall be followed.

[1] These words were inserted by Mah. 10 of 2010, s. 31.

[2] These words were inserted, *ibid*., s. 32 (*1*) and (*2*).

(*3*) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

New assessment book need not be prepared every official year.

21. (*1*) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-rule (*2*), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year:

Provided that public notice shall be given in accordance with rules 13 and 15 every year and the provisions of the said rules and of rules 16 to 20, both inclusive, shall be applicable each year.

(*2*) A new assessment-book shall be prepared at the least once in every [1][five years].

Special provisions regarding Tax on Vehicles, Boats and Animals.

Perosn responsible for the payment of the tax on vehicles, boats and animals.

22. (*1*) The tax on vehicles, boats and animals shall be leviable from the owner of or person having possession or control of any vehicle, boat or animal in respect of which the said tax is leviable:

Provided that in the case of an animal generally used or employed in drawing any vehicle the tax in respect of such animal shall be leviable from the owner of, or the person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person.

(*2*) For the purposes of this rule, the person in whose name a motor vehicle is for the time being registered under the [*]Motor Vehicle Act, 1939, shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.

Vehicle, boat and animal tax book to be kept.

23. (*1*) The Commissioner shall keep a book, in which shall be entered from time to time:—

(*a*) a list of the persons liable to pay any tax under rule 22 ;

(*b*) a specification of the vehicles, boats and animals in respect of which the said persons are, respectively, liable to the said tax ;

(*c*) the amount of tax payable by each such person and the period for which it is payable ;

(*d*) the particulars of every composition made under section 144.

(*2*) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(*3*) Any person not entitled under sub-rule (2) to inspect and take extracts from any portion of the said book, free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

Returns from owners of premises and person liable to the tax.

24. (*1*) The owner of any premises let to or occupied by more than one person owning or having possession or control of vehicles, boats and animals liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of April and the first day of October in each year furnish the Commissioner with a written return, signed by such owner of the name and address of each of the said persons, and of the animals, boats and vehicles owned by or in the possession or under the control of each of the said persons kept upon such owner's premises.

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[1] These words were substituted for the words "four years" by Mah. 27 of 2010, s. 13 (*B*).

[*] Now see the Motor Vehicles Act, 1988.

(*2*) Every person who owns or has in his possession a vehicle, boat or animal liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of April and the first day of October in such year, or within fifteen days of the receipt of a special notice in this behalf from the Commissioner furnish the Commissioner with a written return, signed by such person and containing such information concerning the vehicle, boat or animal, if any, owned by or in the possession or under the control of such person as the Commissioner from time to time specifies by public notice.

(*3*) Every such owner or person as is referred to in sub-rule (*1*) and sub-rule (*2*), respectively, shall be bound to make a true return to the best of his knowledge or belief, whether or not he is liable to the payment of the tax.

Notice to be given to commissioner by a person who becomes owner or possessed of a vehicle, boat or animal in respect of which liability arises, etc.

25. (*1*) Every person who becomes the owner or obtains possession or control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle, boat or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle, boat or animal, as the case may be.

(*2*) Every person who ceases to own or have possession or control of any vehicles, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle, boat or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle, boat or animal until he gives such notice :

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle, boat or animal or affect the prior claim of the Commissioner on such vehicle, boat or animal for the recovery of any tax due in respect thereof.

Special provisions relating to Octroi and Tolls.

Table of rates of octroi to be affixed on certain places.

26. The Commissioner shall cause tables of the octroi for the time being leviable, specifying the rates at which and the articles on which the same are leviable to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said octroi is levied.

Tabel of tolls to be affixed in conspicuous position.

27. The Commissioner shall cause a table of the tolls for the time being leviable, specifying the amounts and the terms on which the liability to pay the toll may be compound by periodical payments, to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said tolls are levied.

Power to keep account-current with person, firm or public body in lieu of levying octroi on production of goods.

28. (*1*) The Commissioner may at any time with the approval of the Standing Committee instead of requiring payment of octroi due form any person, mercantile firm or public body to be made at the time when the goods in respect of which the octroi is leviable are introduced into the City direct that an account-current shall be kept on behalf of the Corporation of the octroi so due from such person, firm or body.

(*2*) Such account shall be settled at intervals not exceeding one month, and such person, firm, or public body shall give such information or details and make such deposit or furnish such security as the Commissioner shall consider sufficient to cover the amount which may at any time be due from such person, firm, or body in respect of such dues.

(*3*) Any amount so due at the expiry of any such interval shall be recoverable by distress and sale of the moveable property or attachment and sale of the immoveable property of the defaulter as if such amount were a property tax due by the said defaulter.

Power to examine articles liable to octroi.

29. (*1*) A person bringing into or receiving from beyond the limits of the City any goods shall, when required by an officer authorized in this behalf by the Commissioner and so far as may be necesary for ascertaining whether octroi is payable on such goods and the amount of tax chargeable,—

(*a*) unload and reload all the goods or such of them, as may be required by that officer ;

(*b*) permit that officer to inspect, examine, weigh, stamp, seal or otherwise mark for purposes of identification such goods ;

(*c*) permit that officer to inspect and examine any animal or vehicle on or in which such goods are loaded ;

(*d*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods ; and

(*e*) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

(*2*) Every person in charge of such vehicle shall make a full and correct declaration of the goods carried in such vehicle.

(*3*) If any person bringing into or receiving from beyond the limits of the City any vehicle or package shall refuse of the demand of an officer authorized by the Commissioner in this behalf to permit the officer to inspect the contents of the vehicle or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the vehicle or package to be taken without unnecessary delay before a Magistrate or such officer of the Corporation as the Commissioner appoints in this behalf who shall cause the inspection to be made in his presence.

Collection of Taxes

Property taxes payable half-yearly in advance.

30. Each of the property-taxes shall be payable in advance in half yearly installments on each first day of April and each first day of October [1][as specified in a bill served under rule 39, 40 or 55].

Tax on vehicles, boats and animals payable in advance.

31. (*1*) The tax on vehicles, boats and animals, including the tax payable under the proviso to clause (*f*) of sub-section (*1*) of section 143, shall be paid half-yearly in advance on each first day of April and each first day of October.

If in any half-year a vehicle, boat or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the half-year on which such vehicle, boat or animal so becomes liable and the amount of tax leviable for such half-year shall be, if such earliest day occurs—

(*a*) in the first two months of such half-year, the whole tax for such half-year ;

[1] These words were added by Mah. 10 of 2010, s. 33.

(*b*) in the third or fourth month of such half-year, two-thirds of the tax for such half-year ;

(*c*) in the last two months of such half-year, one-third of the tax for such half-year, provided that no tax shall be leviable for such half-year if such earliest day occurs within the last twenty days of such half-year.

(*2*) Notwithstanding anything in sub-rule (*1*), the Commissioner may, with the previous approval of the Corporation, by public notice declare that the tax payable in respect of such class of vehicles other than motor vehicles or in respect of such animals as are specified in the notice shall be payable yearly in advance on each first day of April and, in the event of such notice being given, if a vehicle or animal affected by such notice becomes liable to the tax during the course of the year, the tax shall be leviable thereon from the earliest day in such year, and the amount of tax leviable for such year shall be, if such earliest day occurs—

(*a*) in the first quarter of such year, the whole tax for such year ;

(*b*) in the second quarter of such year, two-thirds of the tax for such year ;

(*c*) in the third quarter of such year, one-half of the tax for such year ;

(*d*) in the last quarter of such year, one-third of the tax for such year :

Provided that no tax shall be levied for such year if such earliest day occurs within the last twenty days of such year.

Display of tokens, badges or discs on vehicles liable to tax on vehicles, boats and animals.

32. (*1*) Every person who pays the tax on vehicles, boats and animals in respect of any vehicle shall be given a token or badge or disc indicating clearly the period for which the tax has been paid and bearing a distinctive number and shall at all times display such token, badge or disc prominently on such vehicle.

(*2*) Any vehicle found in the City on which no such token, badge or disc is displayed may, if there is reason to believe that such vehicle is liable to the tax on vehicles, boats and animals and if the owner of such vehicle is not known or cannot be traced, be seized by any municipal officer authorised in this behalf by the Commissioner and detained.

(*3*) If any person, within one month of the seizure of a vehicle under sub-rule (*2*), establishes his claim thereto to the satisfaction of the Cormmissioner, the Commissioner shall order such vehicle to be delivered to such person upon payment by such person of the amount of tax, if any, due and of such amount as the Commissioner may fix as the costs of seizure and detention.

(*4*) If within the said period of one month the vehicle is not claimed by any person or if no claim made under sub-rule (*3*) is established to the satisfaction of the Commissioner, the vehicle may be sold by public auction and the proceeds of such sale, after deducting the tax, if any, due and all costs incurred on seizure, detention and sale, shall be delivered to any person who within six months of the sale establishes his claim thereto or, if no such claim is received or established, shall be forfeited to the Corporation.

(*5*) For every token, badge or disc given under sub-rule (*1*) a fee shall be payable of such amount as the Commissioner may, with the previous approval of the Standing Committee, prescribe for each kind of token, badge or disc.

Octroi payable on demand.

33. (*1*) Octroi shall be payable on demand.

(*2*) Every person authorized by the Commissioner to demand octroi shall tender to every person on whom the demand is made a bill specifying the goods taxable, the amount claimed, and the rate at which the tax is calculated.

Tolls payable on demand.

34. (*1*) Toll shall be payable on demand.

(*2*) Every person authorized by the Commissioner to demand tolls shall tender to every person on whom the demand is made a bill showing the amount of the toll and the rate at which it is claimed.

Collection of octroi and tolls how to be effected.

35. Octroi and tolls may be collected under the orders of the Commissioner by municipal officers and servants appointed in this behalf or, if the Commissioner thinks fit, may, with the approval of the Standing Committee, be framed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the Standing Committee, appoints to be his agent for this purpose.

Theatre tax payable in advance.

36. Theatre Tax shall be payable at the chief municipal office or at such other place or places as the Commissioner may from time to time appoint in this behalf at least twelve hours in advance of the commencement of the performance in respect of which the tax is due by the person responsible for the management of such performance.

Payment of Theatre Tax for series if performances in lump.

37. The Commissioner may arrange with any person liable for the payment of Theatre Tax in respect of a series of performances intended to be given of any amusement or entertainment for the payment by such person in one amount for such series extending over not more than one month at a time in lieu of separate payments for each performance.

Recovery of Theatre Tax in case of default.

38. If the Theatre Tax is not paid in respect of any performance the Commissioner shall, by written notice, call upon the defaulter to pay the amount due within such period as may be specified in the notice and may, if the payment is not made within the specified period, recover the amount by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter as if the amount were a property-tax due by him.

Presentation of bills for certain taxes.

39. (*1*) Where any property tax or tax on vehicles, boats and animals or any tax declared by or under this Act to be recoverable in the manner provided for a property tax, or any instalment of any such tax shall become due, the Commissioner shall, with the least practicable delay, cause to be served on the person liable for the payment thereof a bill for the sum due.

(*2*) Every such bill shall specify the period for which, and the premises, property, occupation, vehicle, boat, animal or thing in respect of which the tax is charged, and shall also give notice of the time within which an appeal may be preferred against such tax and of the consequences of default in payment as hereinafter provided.

When one bill may be presented for several claims.

40. (*1*) All the sums due for each period for all or any of the property taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump :

Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property owing to a revision of the rateable value.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties:

Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of the notice.

Levy of penalty on unpaid amount of bill.

[1][**41.** (*1*) The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and of the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid, a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid :

Provided that, any property tax for which a bill is served under this Act before the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (hereinafter referred to as " the Amendment Act of 2009 ") has remained unpaid in full or in part, a person who has not paid such tax shall be liable to penalty as provided under this section, on and from the date of commencement of the said Amendment Act of 2009.

Mah. X of 2010.

(*2*) If the other taxes or dues claimed in the bill are not paid by the date specified in the bill, the provisions of sub-section (*1*) shall *mutatis multandis* apply to the amount which has so remained unpaid.]

Distress or attachment.

42. (*1*) If the person [2][liable for the payment of the tax for which a bill is served upon him does not pay the tax together with penalty or interest or both as required under the provisions of this Act to pay the same] and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in Form H or to the like effect, to be issued by the Commissioner, by distress and sale of the moveable property of the defaulter or the attachment and sale of the immovable property of the defaulter or, if the defaulter be the occupier of any permises in respect of which a property-tax is due, by distress and sale of any moveable property found on the said premises or, if the tax be due in respect of any vehicle, boat or animal, by distress and sale of such vehicle, boat or animal in whomsoever's owenership, possession or control, the same may be.

[3][(*2*) Where the person liable to pay the tax according to the bill served upon him pays the tax as required under the provisions of this Act but does not pay the amount of penalty or interest or both either in whole or in part as may be due on the upaid amount of tax, for such amount which has remained unpaid, a warrant in the form of Schedule H, *mutatis mutandis*, may be issued by the Commissioner in the same manner as if such sums were due on account of the tax.]

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1 Rule 41 of the TAXATION RULES was substituted by Mah. 10 of 2010, s. 34.

2 These words were substituted for the words beginning with the words "on whom a notice of, demand" and ending with the words "satisfaction of the Commissioner", *ibid*., s. 35 (*1*).

3 Sub-rule (*2*) was substituted, *ibid*., s. 35 (*2*).

Property of defaulter may be distrained or attached wherever found.

43. (*1*) Where any property of a defaulter or any vehicle, boat or animal liable to be distrained or attached is situate within the City the warrant issued under rule 42 shall be addressed to an officer of the Corporation.

(*2*) Where such property, vehicle, boat or animal is situate outside the City, the warrant shall be addressed to —

(*a*) the Registrar, Court of Small Causes, Bombay, if such property, vehicle, boat or animal is situate in the City of Bombay ;

(*b*) the Commissioner, if such property, vehicle, boat or animal is situate in a City;

(*c*) the Chief Officer or the Vice-President if such property, vehicle, boat or animal is situate in a municipal borough or municipal district, respectively;

(*d*) the Executive Officer of the Cantonment if such property, vehicle, boat or animal is situate in a Cantonment;

(*e*) an officer of Government not lower in rank than a Mahalkari if such property, vehicle, boat or animal is situate elsewhere.

(*3*) Any officer to whom a warrant is addressed under sub-rule (*2*) may endorse such warrant to a subordinate officer.

Warant how to be executed in case of moveable property.

44. (*1*) It shall be lawful for the officer to whom a warrant for the distraint and sale of any moveable property issued under rule 42 is addressed or endorsed to break open at any time between sunrise and sunset any outer or inner door or window of any building, in order to make any distress directed in the warrant if he has reasonable ground for believing that such building contains property which is liable to seizure under the warrant, and if, after notifying his authority and purpose and duly demanding admittance, be cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given such women an opportunity to remove.

(*2*) It shall also be lawful for such officer to distrain, wherever the same may be found, any property of the person named in the said warrant as defaulter, provided that the following property shall not be distrained, namely—

(*a*) the necessary wearing apparel and bedding of the defaulter, his wife and children;

(*b*) the tools of artizans ;

(*c*) if the defaulter is an agriculturist, his implements of husbandary, seed-grain and such cattle as may be necessary to enable the defaulter to earn his livelihood.

Warant how to be executed in case of immovable property.

45. (*1*) When a warrant is issued under rule 42 for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that the property will be sold unless the [1][tax due, penalty or interest or both, if any, due and payable together] with the costs of recovery, are paid into the municipal office within[2][twenty-one days.]

[3][(*2*) Such order shall be proclaimed by fixing at some conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land, paying revenue to the State Government, in the office of the Collector.]

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[1] These words were substituted for the words "amount due" by Mah. 10 of 2010, s. 36 (*1*) (*a*).

[2] These words were substituted for the words "five days", *ibid*., s. 36 (*1*) (*b*).

[3] Sub-rule (*2*) was substituted, *ibid*., s. 36 (*2*).

(*3*) Any transfer of a charge on the property attached or of any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

Inventory and notice of distress and sale.

46. The officer charged with the execution of a warrant of distress shall forthwith make an inventory of the moveable property or vehicles, boats or animals which he seizes under such warrant, and shall at the same time give a written notice in Form I or in a similar form to the person in possession thereof at the time of seizure that the said property or vehicles, boats or animals will be sold as therein mentioned.

Sale.

47. (*1*) Where the property seized is subject to speedy and natural decay or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the sum due and the costs of recovery are paid forthwith.

(*2*) If not sold at once under sub-rule (*1*) the property distrained or attached or, in the case of immovable property, a sufficient portion thereof may, after the expiry of the period stated in sub-rule (*1*) of rule 45, or named in the notice served under rule 46, as the case may be, be sold by public auction [1][or by auction by inviting sealed bids] by order of the Commissioner, unless the warrant is suspended by him or the sum due and the costs of recovery are paid by the defaulter, and the Commissioner shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.

(*3*) The surplus, if any, shall be forthwith credited to the Municipal Fund, but, if the same be claimed by written application to the Commissioner within six months from the date of the sale, a refund thereof shall be made to the person is possession of the property at the time of the seizure or attachment and any surplus not claimed within six months as aforesaid shall be the property of the Corporation.

(*4*) Where the sum due and the costs of recovery are paid by the defaulter before a sale is effected, the property seized shall be returned to him and the attachment, if any, of immoveable property shall be deemed to have been removed.

(*5*) Sales of immovable property under this rule shall be held in the manner laid down in the standing orders.

(*6*) After sale of the immovable property as aforesaid the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(*7*) It shall be lawful for the Commissioner on behalf of the Corporation to offer a nominal bid in the case of any immovable property put up for sale, provided the previous approval of the Standing Committee is obtained to such bidding.

(*8*) The Commissioner may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-rule (*6*) and may also use such force as is reasonably necessary to effect entry on the said property.

[1] These words were inserted by Mah. 10 of 2010, s. 37.

Sale outside City.

48. (*1*) Where the warrant is addressed outside the City, the Commissioner may by endorsement direct the person to whom the warrant is addressed to sell the property distrained or attached; and in such case it shall be lawful for such person to sell the property and to do all things incidental to the sale in accordance with the provisions of rule 47 and to excercise the powers and perform the duties of the Commissioner under the said rule in respect of such sale, except the power of suspending the warrant.

(*2*) Such person shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Commissioner, who shall dispose of the same in accordance with the provisions of the said rule.

Special provisions in regards to non-payment of octroi or toll.

49. (*1*) In the case of non-payment of any octroi or any toll on demand by any person authorized in this behalf by the Commissioner such person may seize any goods on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable or any part of the burden of such vehicle or animal which is in his opinion of sufficient value to satisfy the demand together with the expenses incidental to the seizure, detention and eventual sale, if necessary, of such animal, goods, vehicle, burden or part thereof, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in Form I.

(*2*) When any property seized is subject to speedy decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded and the expenses incidental to the seizure be forthwith paid.

(*3*) If at any time before a sale has begun, the person from whose possession the property has been seized, tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the Commissioner shall forthwith deliver to him the property seized.

(*4*) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such octroi, and the expenses incidental to the seizure, detention and sale.

(*5*) The surplus, if any, of the sale proceeds shall be credited to the Municipal Fund, and may, on application made to the Commissioner in writting within six months next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall become the property of the Corporation.

(*6*) The expenses incidental to the seizure of any property under this rule shall be determined in such manner as the Commissioner may specify in this behalf but shall not in any case exceed ten per cent. of the amount of octroi or toll payable.

Fees for warrants issued, etc.

50. For every warrant issued, distraint or attachment made and for the maintanance of any animal seized fees shall be charged at such rates as the Corporation may from time to time specify with the sanction of the [1][State] Government and such fees shall be included in the costs of recovery.

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1. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[1][**51.** The Commissioner may, in his discretion, remit the whole or any part of penalty under rule 41, or fees or cost of recovery under rule 50.] Penalty, fees or cost of recovery may be remitted.

52. (*1*) Where a bill for any sum due on account of any property-tax is serve upon an occupier of premises pursuant to sub-section (*1*) of section 140, the Commissioner may at the time of service or at any subsequent time cause to be served upon the occupier a notice requiring him to pay to the Corporation any rent due or falling due from him to the person primarily liable for the payment of the said tax to the extent necessary to satisfy the said sum due. Attachment of rent due.

(*2*) Such notice shall operate as an attachment of the said rent until the said sum due on account of property-tax shall have been paid and satisfied, and the occupier shall be entitled to credit in account with the person to whom the said rent is due for any sum paid by him to the Corporation in pursuance of such notice.

(*3*) If the occupier shall fail to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as a aforesaid the amount of such rent may be recovered from him by the Corporation as if it were an arrear of property-tax under section 140, provided that sub-section (*3*) of the said section shall not apply to such recovery.

53. (*1*) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any tax other than octroi or a toll or Theatre Tax is about forthwith to remove from the City, the Commissioner may direct the immediate payment by such person of the sum so due by him and cause a bill for the same to be served on him. Summary proceedings may be taken against persons about to leave the City.

(*2*) If on service of such bill the said person do not forthwith pay the sum due by him or show cause to the satisfaction of the Commissioner for not doing so the amount shall be leviable by distress and sale in the manner hereinbefore prescribed,[2]** and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

54. Instead of proceeding against a defaulter by distress, attachment and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance or any sum due, as the case may be, by such defaulter, on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction. Defaulters may be sued for arrears, if necessary.

55. Notwithstanding anything contained in sections 472, 473 and 474, a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post, under certificate of posting, in a prepaid letter addressed to such person at his last known abode or place of business in the City, and every bill so sent shall be deemed to have been served on the day following the day upon which the envelope or wrapper containing such bill was put in the post and, in proving such service, it shall be sufficient to prove that the envelope or wrapper containing the bill was properly addressed and put in the post under certificate of posting. Special provision for service of bills for taxes.

[1] Rule 51 of the TAXATION RULES was substituted by Mah. 10 of 2010, s. 38.

[2] The words "except that it shall not be necessary to serve upon the defaulter any notice of demands", *ibid.*, s. *39.*

Special provision for facility for payment of property taxes.

[1][**55A.** Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Corporation in this behalf by giving a public notice in two leading newspapers circulating within the area of jurisdiction of the Corporation ; and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Commissioner.]

Refunds.

Refund of property taxes on account of vacancies.

56. (*1*) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act, has been vacant for not less than thirty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water tax and conservancy tax, if any, paid for the number of days that such vacancy lasted.

(*2*) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act has been vacant for not less than sixty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted :

Provided that no refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under the provisions of rule 11.

Explanation.—For the purposes of this rule—

(*a*) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;

(*b*) premises shall be deemed to be productive of rent if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;

(*c*) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not;

(*d*) premises used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended ;

(*e*) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less than thirty consecutive days.

Refund not claimable unless notice of vacancy is given to Commissioner.

57. (*1*) No refund of any property tax shall be claimed from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

(*2*) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice unless the notice is given within seven days of the occurrence of the vacancy, in which case refund shall be paid as from the date of the occurrence of the vacancy.

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[1] Rule 55A of the TAXATION RULES was inserted by Mah. 10 of 2010, s. 40.

(*3*) When a vacancy continues from one period in respect of which property-taxes, or any installment thereof, are recoverable, into the next following period, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following period and such notice of vacancy shall be required notwithstanding that notice of vacancy required to be given under sub-rule (*1*) was not given until after the expiry of the period in which the vacancy occurred.

Refund of water-tax inadmissible unless application for stopping water supply has been made.

58. No refund of water-tax shall be claimable in respect of premises with a separate water connection unless a written application shall have been made to the Commissioner to stop the water supply to the vacant premises.

Application for refund when and how to be made.

59. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property-tax unless application therefor is made to him in writing within thirty days after the expiry of the period to which the claim relates, [1][accompanied by the original receipt or any valid proof of payment of the amount of the bill presented to the applicant under rule 39, 40 or 55.]

Refund of tax on vehicles, boats and animals when and to what extent obtainable.

60. (*1*) If the tax leviable on any vehicle, boat or animal in respect of any half year has been paid and if during such half year such vehicle, boat or animal ceases to be kept within the City or, if kept outside, ceases to be used in the City or is destroyed or is otherwise rendered unfit for use or if such vehicle or boat has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle, boat or animal shall, subject to the provisions hereinafter contained, and, on the Commissioner or any officer authorised by him being satisfied in this behalf, be entitled to receive from the Commissioner, if the period in such half year for which such vehicle, boat or animal has not been kept in the City or has not been used, on account of such vehicle, boat or animal being destroyed or rendered unfit for use or on account of such vehicle or boat being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such animal having been certified by a Veterinary Surgeon to have become unfit for use, is—

(*a*) not less than one hundred and seventy days, the full amount of the tax paid,

(*b*) not less than one hundred and fifty days, three-fourths of the tax paid,

(*c*) not less than one hundred and twenty days, two-thirds of the tax paid,

(*d*) not less than ninety days, one-half of the tax paid,

(*e*) not less than sixty days, one-third of the tax paid.

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[1] These words were substituted for the portion beginning with the word "accompanied" and ending with the word "claimed" by Mah. 10 of 2010, s. 41.

No refund of the tax shall be granted if such period is less than sixty days.

(2) When a notice has been given under sub-rule (*2*) of rule 31, this rule shall apply in respect of vehicles and animals affected by the notice as if for each of the periods specified therein, double the period so specified had been substituted.

Refund not claimable unless notice is given to Commissioner.

61. (*1*) No refund of the tax shall be claimable from the Commissioner under rule 60 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(*2*) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period referred to in rule 60, for the purposes of granting any refund.

(*3*) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of fifteen days after the end of the half year to which the claim relates and is accompanied by the bill served on the applicant under rule 39 for the amount of the tax from which the refund is claimed or, if no bill was served, the official receipt for such amount.

Refund of octroi or toll on export.

62. Subject to the standing orders, not less than ninety per cent. of the octroi paid on any goods shall be refunded if such goods are exported beyond the limits of the City within six months of payment :

Provided that—

(*a*) an application for refund shall be made within one week of the date of exportation;

(*b*) the amount due for refund shall not be less than five rupees;

(*c*) in the case of goods which have broken bulk, prior intimation has been given to the officer specified in this behalf in the standing orders and the place or places of storage have been reported to him from time to time.

Refund of Theater Tax.

63. (*1*) The Commissioner shall refund the amount of the Theatre-Tax paid in respect of a particular performance if he is satisfied, on the evidence placed before him and after such further inquiry, if any, as he may deem necessary—

(*a*) that such performance did not actually take place and that the amount, if any, collected from intending spectators has been refunded in full; or

(*b*) that the whole of the net proceeds of such performance are devoted to a public charitable purpose and that the whole of the expenses of such performance do not exceed twenty per cent. of the gross receipts.

(*2*) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax unless application claiming such refund is made to him in writing within three days of the day on which the intended performance in respect of which the tax was paid was due to take place or within seven days of the date of the performance, as the case may be.

CHAPTER IX.

DRAINAGE AND DRAINAGE WORKS.

Buildings, etc. not to be erected without permission over municipal drains.

1. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or minor railway shall be constucted over any municipal drain.

(2) If any building, wall or other structure be so erected, or any street or minor railway be so constructed, the Commissioner may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Buildings, etc. not to be erected without permission over any drains.

2. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected over any drain other than a municipal drain except as may be required under sub-rule (*3*).

(*2*) If any building, wall or other structure be so erected, the Commissioner after giving the offending person ten days' notice of his intention, may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

(*3*) The Commissioner may by notice in writing require the owner or occupier of any building or land to which access from a public street cannot be provided except by crossing an open municipal drain, channel, ditch or gutter to provide culverts or coverings over the said drain, channel, ditch or gutter of such form, size, and materials and provided with such means of ventilation as may be specified in the said notice.

(*4*) Every culvert of covering provided in accordance with sub-rule (*3*) shall be maintained and kept free from obstructions by the said owner or occupier at his expenses.

Drains not to pass beneath buildings.

3. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the Standing Committee generally in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Provision of troughs and pipes to receive water from roofs of buildings.

4. The Commissioner may, by notice in writing, require the owner of any building in any street to put up and maintain in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

Drains of Private Streets and Drainage of Premises.

Power to connect drains of private street with municipal drains.

5. (*a*) The owner of a private street before commencing to construct a drain of such street to connect with a municipal drain shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the direction of the Commissioner ;

(*b*) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication in all respects, as the Commissioner shall direct;

(*c*) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Drainage of courts, yards and compounds appurtenant to, or giving access to buildings.

6. If any court, yard or compound appurtenant to, or any passage giving access to, a building is not so formed, flagged, asphalted or paved, or is not provided with such works on, above or below its surface as to allow of the satisfactory drainage of its surface or sub-soil to a proper out fall, the Commissioner may by written notice require the owner of the building to execute such works as may in the opinion of the Commissioner be necessary to remove the defect.

Explanation.—This rule shall also apply in relation to any court, yard, compound or passage which is used in common by the occupiers of two or more buildings but is not a public street.

Special provisions relating to trade effluent.

7. (*1*) No trade effluent shall be discharged from any made premises into a municipal drain otherwise than in accordance with a written notice, hereinafter referred to as " a trade effluent notice " served on the Commissioner by the owner or occupier of the premises, stating—

(*a*) the nature or composition of the trade effluent;

(*b*) the maximum quantity of the trade effluent which it is proposed to discharge in any one day; and

(*c*) the highest rate at which it is proposed to discharge the trade effluent, and no trade effluent shall be discharged in accordance with such a notice until the expirarion of a period of two months or such less time as may be agreed to by the Commissioner, from the day on which the notice is served on the Commissioner hereinafter referred to as " the initial period ".

(*2*) Where a trade effluent notice in respect of any premises is served on the Commissioner, he may, at any time within the initial period, give to the owner or occupier, as the case may be, of those premises a direction that no trade effluent shall be discharged in pursuance of the notice until a specified date after the end of the initial period; and, in so far as the discharge of any trade effluent in accordance with the trade effluent notice requires the consent of the Commissioner in order to be lawful, the Commissioner may give that consent either unconditionally or subject to such conditions as he thinks fit to impose in respect to —

(*a*) the drain or drains into which any trade effluent may be discharged in pursuance of the trade effluent notice;

(*b*) the nature or composition of the trade effluent which may be so discharged;

(*c*) the maximum quantity of any trade effluent which may be so discharged on any one day, either generally or into a particular drain;

(*d*) the highest rate at which any trade effluent may be discharged in pursuance of the trade effluent notice, either generally or into a particular drain; and

(*e*) any other matter with respect to which by-laws may be made under this Act, but any such condition as aforesaid shall be of no effect if and so far as it is inconsistent with any by-laws so made which are for time being in force.

Position of cesspools.

8. No person shall construct a cesspool—

(*a*) beneath any part of any building, or within twenty feet [1][of] any lake, tank, reservoir, stream, spring, or well; or

(*b*) upon any site or in any position which has not been approved in writing by the Commissioner.

All drains and cesspools to be properly covered and ventilated.

9. (*1*) Every drain and cesspool, whether belonging to the Corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(*2*) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the Corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the Corporation.

Excrementitious matter not to be passed into cesspool.

10. No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under the provisions of this Act or into any drain communicating with any such cesspool.

Power of Commissioner to require adequate water-closet and other accommodation to be made.

11. (*1*) Where any premises are without a water-closet, or privy, or urinal or bathing or washing place or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient, inefficient or on any sanitary grounds objectionable, the Commissioner may, by written notice, require the owner of such premises —

(*a*) to provide such, or such additional, water-closet, privy, urinal or bathing or washing place accommodation as he prescribes;

(*b*) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes; or

(*c*) to substitute water-closet accommodation for any privy accommodation.

(*2*) Any requisition under sub-rule (1) may comprise any detail specified in sub-section (*2*) of section 178.

Power to require privy accomodation to be provided for factories, etc.

12. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, school or theatre or other place of public resort, or as a place in which persons exceeding ten in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex and to cause the same to be kept in proper order and to be daily cleaned.

[1] This word was substituted for the word "or" by Bom. 39 of 1951, s. 3, Second Schedule.

Power of Commissioner as to unhealthy privies.

13. Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Commissioner, with the previous approval of the Standing Committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situated either :—

(*a*) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(*b*) to provide between the said privy and any portion of the said building such air-space, open to the sky and situate entirely within the limits of the said premises, as the Commissioner may prescribe.

Provisions as to privies.

14. (*1*) The owner or occupier of any premises on which there is a privy shall—

(*a*) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky ;

(*b*) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by ;

(*c*) unless and except for such period as he shall be permitted by the Commissioner as hereinafter provided to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street :

Provided that—

(*1*) clause (*a*) shall not be deemed to apply to any privy in existence on the appointed day unless—

(*i*) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause ; and

(*ii*) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy ;

(*2*) the Commissioner may permit the continuance of such period as he may think fit of any existing door or trap-door in a privy opening on to a street if a nuisance is not thereby created.

Provisions as to water-closets.

15. The owner or occupier of any premises on which there is a water-closet shall—

(*a*) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any

manufacture, trade or business, by such means as the Commissioner shall deem sufficient ;

(*b*) have such water-closet in such a position that one of its sides at the least shall be an external wall ;

(*c*) have the seat of such water-closet placed against an external wall ;

(*d*) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other apurture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance ;

(*e*) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary :

Provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose ;

(*f*) have flushing cisterns of such materials, size and description supplied with a constant and sufficient supply of water for flushing and cleaning the water-closet as the Commissioner may deem necessary.

Position of privies and water-closets.

16. No person shall build a privy or water-closet in such a position or manner as—

(*a*) to be directly over or directly under any room or part of a building other than a privy or water-closet or a bathing place, bath-room or gallery, passage or terrace ;

(*b*) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in a natural or manufactured state) for human consumption or domestic purposes or otherwise render the water of any well, spring, tank or stream liable to pollution.

Control over water-closets, etc., in, or accessible from streets.

17. (*1*) No public water-closet, privy or urinal other than a water-closet, privy or urinal erected within railway premises or erected by the Government shall be erected in, or so as to be accessible from, any street without the consent of the Commissioner who may, in giving his consent, impose such terms as to the use of the water-closet, privy or urinal and as to its removal at any time, if required by him, as he thinks fit.

(*2*) The Commissioner may, by written notice require—

(*a*) the owner of a water-closet, privy or urinal which has been erected in contravention of sub-rule (*1*) or the removal of which the Commissioner is entitled to require, to remove it ;

(*b*) the owner of a water-closet, privy or urinal which opens on a street and is so placed or constituted as to be a nuisance or offensive to public decency to remove or permanently to close it.

Use of places for bathing or washing clothes or domestic utensils.

18. No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with such floor as the Commissioner considers suitable and with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.

Work to be done by licensed plumber ; permission to use as drain.

19. (*1*) No person other than a licensed plumber shall execute any work described in this Chapter or in Chapter XII of this Act and no person shall permit any such work to be executed except by a licensed plumber :

Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in such form as the Commissioner may from time to time prescribe signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such work :

Provided that—

(*a*) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(*i*) give permission for the filling in or covering over of such work ; or

(*ii*) require that, before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provision of this Act or of the rules or by-laws.

(*4*) No person shall permit any such work to be used as a drain or part of a drain until—

(*a*) the permission referred to in proviso (*b*) to sub-rule (*3*) has been received ; or

(*b*) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.

Manner of erecting shafts or affixing pipes for ventilation of drains or cesspools.

Erection of shafts, etc., for ventilation of drains or cesspools.

20. Any shaft or pipe erected or affixed by the Commissioner for the purposes of ventilating any drain or cesspool under section 175 shall—

(*a*) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom ;

(*b*) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave ;

(*c*) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood ;

(*d*) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

CHAPTER X.

WATER SUPPLY.

Definitions.

1. In this Chapter, unless there is anything repugnant in the subject or context,—

(*a*) " communication pipe " means a pipe extending from a municipal main up to and including the municipal stop-cock ;

(*b*) " consumer " means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person liable to the Corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work ;

(*c*) " consumer's pipe " means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the Corporation ;

(*d*) " distributing pipe " means any pipe not subject to water pressure from a municipal water main ;

(*e*) " fitting " includes a pipe, coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the Corporation ;

(*f*) " municipal stop cock " means the stop cock which controls the supply of water from a municipal water main ;

(*g*) " supply pipe " means the pipe extending from a municipal stop cock upto the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.

Private water-supply.

Conditions on which private water supply may be provided.

2. (*1*) Subject to the provisions of sub-rules (*2*), (*3*) and (*4*), supply pipes for conveying to any premises a private supply of water from a municipal water work shall not be connected with such water work except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.

(*2*) If it shall appear to the Commissioner that any premises situate within any portion of the City in which a public notice has been given by the Commissioner under clause (*b*) of sub-section (*1*) of section 130, are without a supply of pure water obtainable on the premises and adequate to the requirements of the persons usually occupying or employed upon the said premises, the Commissioner may, by written notice, require the owner of the said premises or the persons primarily liable for the payment of property-taxes thereon, to obtain a supply adequate as aforesaid from a municipal water work and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose.

[1][(*3*) Notwithstanding anything contained in sub-rule (*1*), if in respect of any premises, where the owner or person primarily liable for the payment of property taxes, fails or refuses to make an application or to give his assent under sub-rule (*1*), within a reasonable period, the supply pipes for conveying to such premises such water supply may be connected with such water work on the written application of the occupier of such premises made to the Commissioner, after holding necessary inquiry and on payment of the cost of connecting the supply pipes and subject to such other conditions (including those for payment of water taxes and water charges) as the Commissioner may deem fit to impose.]

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1. Sub-rule (*3*) was substiuted for the original by Mah. 42 of 1976, s. 22.

(*4*) The Commissioner may refuse to grant a connection under this rule in respect of any premises if he is satisfied that the arrangements for draining waste water from such premises are inadequate or that the supply of water through communication pipes is likely to cause such premises to be in an insanitary condition or to create a nuisance, unless such measures as he may direct are carried out for disposing of the waste water or for preventing the creation of insanitary conditions or a nuisance.

Making and renewing connection with municipal water works.

3. (*1*) No connection with any municipal water-work shall be made or renewed—

(*a*) except by a municipal officer or servant empowered in that behalf by the Commissioner ; and

(*b*) until the certificate specified in sub-rule (4) has been given.

(*2*) In every case where a new connection with a municipal water work is made or an existing connection is renewed all necessary communication-pipes and fittings thereon shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders, but the cost of making or renewing such connection and of all communication-pipes and fittings so supplied and of all work so executed, shall be paid by the person on whose application or for whose premises the connection is made or renewed.

(*3*) Every such new connection or renewed connection with its communication-pipes and fittings shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

(*4*) All supply and distributing pipes and cisterns and fittings not vesting in the Corporation as aforesaid shall be laid and applied under the supervision and to the satisfaction of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(*5*) Where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this rule the Commissioner may remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fitting or connection ; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.

Commissioner may take charge of private connections.

4. (*1*) The Commissioner may, by agreement with a consumer, take charge on behalf of the Corporation of all or any of the consumer's pipes and fittings :

Provided that if any of such pipes or fittings are communication-pipes or fittings only not vesting in the Corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

(*2*) Any consumer's pipes and fittings, of which the Commissioner takes charge under this rule, shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

Power of Commissioner to alter position of connections.

5. The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days, previous notice of his intention so to do, cause the said connection, pipe or, fitting to be moved to such other position as he thinks fit and relaid and applied or others to be laid and applied in lieu thereof, in such position as he may direct ; and in every such case all such work shall be carried out at the expense of the Municipal Fund and such new connection, pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

Provisions as to cisterns and other fittings, etc., to be used for connections with water-work.

6. (*1*) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water-work to provide such premises, within a reasonable period which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit.

(*2*) The Commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any exsting cistern which on an examination under rule 11 is found to be not easily accessible.

(*3*) The Commissioner may, whenever it shall appear to him necessary or expedient to remove any cistern from any premises furnished with a private water supply, by written notice require the owner of such premises to remove such cistern with all fittings connected therewith from such premises within a period prescribed in the notice.

(*4*) The Commissioner shall also from time to time prescribe the size, materials, quality, description and position of the pipes and fittings to be employed for the purpose of any connection with, or of any communication from, any municipal water-work and no such connection or communication shall be made by any person otherwise than as so prescribed.

(*5*) The Commissioner shall likewise prescribe the size, material, quality and description of the pipes, cistern and fittings to be employed for the purpose of replacing any pipes, cisterns and fittings found on an examination under rule 11 to be so defective that they cannot be effectively repaired.

(*6*) If any connection or communication other than that prescribed in sub-rule (*4*) is found in or upon any premises it shall be presumed, until the

contrary is proved, that such connection or communication was made by or under the direction of or with the permission of the owner of such premises.

(*7*) The Commissioner may issue orders providing for the stamping by municipal agency of all pipes, taps, cocks, fittings and materials to be employed for the purposes of any connection or communication with any municipal water-work and such orders may provide for the payment of a fee for such stamping and prohibit the use in any of the said connections or communications of any pipes, taps, cocks, fittings or materials other than those so stamped.

Provision for keeping cisterns locked.

7. (*1*) The Commissioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice prescribe, and may in like manner require any lock or key found to be defective on an inspection under rule 11 to be replaced.

(*2*) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.

Communication pipes to be kept in efficient repair by owner or occupier of premises.

8. (*1*) It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter, and every cistern and fitting in or connected with any such pipe, so as effectually to prevent the water from running to waste.

(*2*) When an occupier of any premises is served with a notice under sub-rule (*2*) of rule 11 he may, after giving to the person to whom he is responsible for the payment of his rent three days' notice in writing, himself have the repairs executed and in such event he shall, unless the terms of the tenancy otherwise expressly provide, be entitled to deduct from any rent due or to become due by him to such person the actual expenses incurred by him in complying with the notice served under sub-rule (3) of rule 11.

Provision of meters when water is supplied by measurement.

9. (*1*) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the Standing Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

(*2*) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

(*3*) (*a*) Any consumer to whom a meter is let out on hire under sub-rule (1) may apply in writing to the Commissioner at any time to have the meter tested and every such application shall be accompanied by such fee as the Commissioner may from time to time prescribe.

(*b*) Upon receipt of such application and fee the Commissioner shall forthwith issue a notice to the consumer prescribing the time and place for testing such meter and shall cause such meter to be tested at such time and place.

(*c*) If upon such test such meter is found to be incorrect by more than two per cent. the fee paid by the consumer shall be repaid to him and the Commissioner shall cause steps to be taken fortwith for the repair or replacement of the meter.

Register of meter to be evidence.

10. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Inspection.

Commissioner, etc., may inspect premises in order to examine meter, communication pipes, etc.

11. (*1*) The Commissioner may make an inspection of any premises to which a private water supply is furnished by the Corporation, in order—

(*a*) to remove, test, examine and replace any meter for measuring water ;

(*b*) to examine any supply or distributing pipe, cistern, lock or fitting ; or

(*c*) to see if there be any waste or misuse of water.

(*2*) The Commissioner may by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

Cutting off private water-supply.

Power to cut off private water-supply or to turn off water.

12. (*1*) The Commissioner may cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the Corporation or turn off the water from such premises in any of the following cases, namely :—

(*a*) in default of payment of any instalment of water-tax or of any sum due for water or hire of meter or expenses of any work done under or by virtue of the provisions of rule 3, 9 or 17 within one month after a notice of demand for such tax or sum has been duly served ;

(*b*) if the owner of the premises neglects within the period prescribed in this behalf in any notice given under sub-rule (*1*), (*2*) or (3) of rule 6 or under rule 7, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern or the removal of any cistern ;

(*c*) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-rule (*2*) of rule 11, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-rule (*5*) of rule 6 ;

(*d*) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues :—

(*i*) to use the water, or to permit the same to be used, in contravention of any by-law or of any condition prescribed under sub-section (*2*) of section 134 or under any other provision of this Act;

(*ii*) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid or payment for the water supplied is made according to the size of the connection to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

(*e*) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises;

(*f*) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-rule (2) of rule 18 to furnish the name of the licensed plumber ;

(*g*) if the premises are declared to be unfit for human habitation under the provisions of this Act;

(*h*) if excessive waste of water is taking place within any premises on account of damage to water-mains caused by accident or otherwise;

(*i*) if any communication pipes or fittings have been laid, applied, added to or altered in contravention of the provisions of rule 6 :

Provided that—

(*i*) in any case under clause (*a*) the Commissioner shall not take action unless not less than one month previously a copy of the notice of demand in respect of the tax or sum has been affixed at a conspicuous part of the premises;

(*ii*) in any case falling under clause (*b*), the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-rule (*1*), (*2*) or (*3*) of rule 6, or under rule 7, as the case may be, has been affixed to a conspicuous part of the premises ;

(*iii*) in other cases the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(*2*) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

(*3*) If in any case under clause (*a*) of sub-rule (1) the tax or sum due is paid within the period stipulated therein by any person or persons in occupation of the premises other than the persons primarily liable for the same, such person or persons shall be entitled to credit therefor in account with the person primarily liable and shall be entitled, without prejudice to any other remedy for recovery, to deduct the amount paid from any rent payable to the person primarily liable.

Prohibition of fraud in respect of meters.

13. (*1*) No person shall fraudulently—

(*a*) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied ;

(*b*) abstract or use water before it has been registered by a meter, set up for the purpose of measuring the same.

(*2*) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently affected the same.

General Provisions.

Prohibition of wilful or neglectful acts relating to water works.

14. No person shall wilfully or negligently—

(*a*) injure or suffer to be injured any meter belonging to the Corporation or any of the fittings of any such meter ;

(*b*) break, injure or open any lock, seal, cock, valve, pipe, work, engine, cistern or fitting appertaining to any municipal water-work;

(*c*) flush or draw off the water from any such water-work, thereby causing such water to be wasted ;

(*d*) do any act or suffer any act to be done whereby the water in, or derived from, any municipal water-work shall be wasted ;

(*e*) obstruct, divert or in any way injure or alter any water-main or duct ;

(*f*) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under the provisions of this Act ;

(*g*) foul or pollute or otherwise render unfit for human consumption the water contained in any municipal water work.

Compensation to be payable by offenders against rule 13 or 14.

15. Compensation shall be paid by the offender for any damage which the Corporation sustains by reason of any contravention of rule 13 or rule 14.

What persons to be liable for offences under certain provisions of this Act.

16. If it shall be shown that an offence against some provision of this Act or against some rule or by-law relating to water-supply has occured on any premises to which a private supply of water is furnished by the Corporation, the owner, the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same.

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

17. (*1*) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed or any cistern to be supplied with a lock and key by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed or supplied the option of doing or supplying the same.

(*2*) The expenses of any work so done or of supplying such lock and key shall be paid by the person aforesaid, unless the Corporation shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work or the supply of such lock and key at the charge of the Municipal Fund.

Work under this Chapter to be done by licensed plumber.

18. (*1*) No person other than a licensed plumber shall execute any work described in this Chapter, other than the provision of a lock and key and no person shall permit any such work to be executed except by a licensed plumber.

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water work into any premises to be laid, applied or executed in contravention of sub-rule (1), he shall, in addition to being liable to the penalty prescribed for such contravention, not be entitled to an independent or branch connection until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.

CHAPTER XI.

STREETS.

I. *Sky-signs.*

Interpretation of sky-sign.

1. (*1*) For the purposes of section 244 the expression " sky-sign " means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support, wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and evrey part of any such post, pole, standard framework or other support. It shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street.

(*2*) A sky-sign shall not include—

(*a*) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(*b*) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or the ridge of a roof :

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported ;

(*c*) any word, letter, model, sign, device, or representation as aforesaid, relating exclusively to the business of a railway administration, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration and so placed that it cannot fall into any street or public place ;

(*d*) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

II. *Naming or Numbering of Streets and Numbering of* [1]*[Premises].*

Naming or numbering of streets and numbering of [1][premises].

2. (*1*) The Commissioner may, from time to time—

(*a*) with the sanction of the Corporation, determine the name or number by which any street for any public place vested in the Corporation shall be known ;

(*b*) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to such street and at intervals along such street or on some convenient part of such street, the name or number of such street as so determined ;

(*c*) cause to be put up or painted suitable signs or boards indicating the name of any public place vested in the Corporation ;

(*d*) determine the number or sub-number by which any premises or part of such premises shall be known ;

[2][(*e*) by written notice require the owner of any premises or part thereof either to put up by means of a metal plate a number or sub-number on such premises or part thereof on such position and manner as may be specified in such notice, or to signify in writing his desire that such work shall be executed under the orders of the Commissioner.]

[1] This word was substituted for the word " Houses " by Bom. 22 of 1956, s. 8(*2*)(*e*).
[2] This paragraph was substituted for the original by *ibid.*, s. 8(*2*)(*a*).

Explanation.—The provisions of this sub-rule shall apply to the renewal of the name or number of any street or public place or the number or sub-number of any premises, or part thereof, or the obliteration or defacement of such name or number as it applies to the putting up or painting of such name or number for the first time.

(*2*) (*a*) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure or alter any such name or number or sub-number [1][or allow or cause any metal plate bearing any number or sub-number to fall into disrepair or otherwise become illegible or put up or paint any name or put up any number or sub-number different from that put up or painted by order of the Commissioner].

(*b*) No person shall without the written permission of the Commissioner put up or affix any notice or board or advertisement within twelve inches of any name or number of a street or of a number or of a sub-number of any premises or part thereof, and the Commissioner may cause any such notice, board or advertisement which is affixed or put up without his permission to be removed and the expenses thereof shall be payable by such person.

[2][(*c*) If any person contravenes the provisions of paragraph (*a*) or (*b*), he shall, on conviction, be punished with fine which may extend to twenty rupees.]

(*3*) Where a number or sub-number is put up [3]*** on any premises or part thereof under the orders of the Commissioner in accordance with paragraph (*e*) of sub-rule (*1*), the expenses of such work shall be payable by the [4][owner of the premises or part thereof, as the case may be,] at such rate as the Commissioner may from time to time fix.

[5][*Explanation.*—In this rule " premises " does not include lands which are not built upon nor does it include only verandahs, fixed platforms, plinths, door steps, walls, compound walls, fencing or the like.]

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[1] This portion was substituted for the words beginning with the words " or put up or print any name " and ending with the words " by order of the Commissioner " by Bom. 22 of 1956., s. 8(*2*)(*b*)(*i*).

[2] This paragraph was inserted, *ibid*., s. 8(*2*)(*b*)(*ii*).

[3] The words "or painted" were deleted, *ibid*., s. 8(*2*)(*c*)(*i*).

[4] These words were substituted for the words "owner of the premises", *ibid*., s. 8(*2*)(*c*)(*ii*).

[5] This *explanation* was added, *ibid*., s. 8(*2*)(*d*).

III. *Provisions concerning Private Streets.*

Interpretation which may be called for from persons giving notice under section 217.

3. For the purposes of section 218 the Commissioner may call for from the persons giving notice under section 217 all or any of the following documents :—

(*i*) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively ;

(*ii*) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths ;

(*iii*) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains ;

(*iv*) a plan showing each building plot with its dimensions and area and showing open spaces with their dimensions ;

(*v*) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such persons or of so much of such other land as the Commissioner shall consider necessary.

CHAPTER XII.

Buildings Regulations And Building Loans.

Additional information and the attendance of the person who gave the notice may be required.

1. (*1*) If the notice given and the documents furnished under section 253 or section 254 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at anytime within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

(*2*) At any time within the said period the Commissioner may also by written notice require the person who has given the notice to open for inspection any portion or portions of the intended foundations or any portion of the intended foundations or walls of an existing building.

Forms of Notices.

Printed forms of notices to be supplied to the public.

2. The Commissioner shall cause printed forms of notices for the purpose of section 253 or 254 to be delivered to any person requiring the same on payment of such fee for each form as shall from time to time be prescribed in this behalf by the Commissioner with the approval of the Standing Committee.

When building or work may be proceeded with.

3. If within thirty days after receipt of any notice under section 253 or 254, or further information, if any, called for under rule 1, the Commissioner does not issue an order under sub-rule (*1*) or sub-rule (*2*) of rule 5 or fails to intimate in writing to the person who has given the said notice his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute ;

or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work ;

the said person may, subject to the provisions of sub-rules (*3*) and (*4*) of rule 5, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Building or work which is disapproved by the Commissioner may be proceeded with subject to terms or shall not be proceeded with.

4. (*1*) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some rule or by-law or will be unsafe, he shall within thirty days of the receipt of the notice or of the plan, section, description or further information, if any, called for under rule 1 by a written notice intimate to the person who gave the notice first hereinbefore in this rule mentioned, his said disapproval and the reason for the same and prescribe terms subject to which the building or work may be proceeded with, or intimate that the works shall not be proceeded with.

(*2*) The person who gave the notice concerning any such building or work may proceed with the same, if expressly permitted to do so, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-rule (*1*) of the written notice containing express permission to do so in this behalf, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Power to the Commissioner to withhold disposal of plans in certain circumstances.

5. (*1*) Notwithstanding anything contained in rules 3 and 4, if in any case it appears to the Commissioner that public improvements, which may render necessary the acquisition of the site of any building or work or any part of such site, are desirable and expedient, he may by order in writing direct that no further action should be taken in pursuance of a notice given under section 253 or section 254 for a period not exceeding three months from the date of such notice.

(*2*) The Commissioner may issue a like order if in any case it appears to him that any site as aforesaid is likely to be affected by any one of the following, namely :—

(*a*) prescribing a regular line of a public street ;

(*b*) prescribing a fresh line in substitution of the existing regular line of a public street ;

(*c*) extending or altering a public street ;

(*d*) any scheme for widening or modifying a private street.

(*3*) If, within the said period of three months, the public improvements referred to in sub-rule (*1*) or any of the matters referred to in sub-rule (*2*) have been given final effect so as to have the result referred to in sub-rule (*1*) or sub-rule (*2*), the notice given under section 253 or section 254 shall be deemed to have lapsed.

(*4*) In any case not covered by sub-rule (*3*), the notice given under section 253 or section 254 shall be deemed to have been renewed as on the date on which the period of three months mentioned in sub-rule (*1*) expired.

When work may be commenced.

6. (*1*) No person shall commence to erect a new building or to execute any such work as is described in section 254—

(*a*) until he has given notice of his intention, as hereinbefore required, to erect such a building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his approval thereof within the period prescribed in this behalf in rule 3 or 4 :

Provided that the provisions of rule 5 shall be taken into account in computing such period ;

(*b*) until he has given notice to the City Engineer of the proposed date of commencement :

Provided that if the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given ;

(*c*) until he has made such sanitary arrangements as the Commissioner may require for the workmen employed on the work ;

(*d*) after the expiry of the period of one year prescribed in rules 3 and 4 respectively for proceeding with the same, or after the expiry of the period of one year from the date of the suspension or stoppage of such work when it is once commenced.

(*2*) If the person who is entitled under rule 3 or 4 to proceed with any building or work, fails so to do within the period of one year prescribed in the said rules, respectively, for proceeding with the same, he may at any subsequent time give fresh notice of his intention to erect such building or execute such work; and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Provisions as to structure, materials, etc.

Provisions as to buildings which are to be newly erected.

7. With respect to buildings which are to be newly erected the following provisions in addition to the provisions of the by-laws for the time being in force shall have effect, namely :—

(*a*) the erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner ;

(*b*) the erection of any such building in any part of the City in which the position and the direction of the streets likely to be required in future have not yet been laid down or determined or in which it is deemed expedient to lay out a public street under section 205, shall, with the assent of the Standing Committee, be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation :

Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future street or of the proposed public street under section 205 in the vicinity of his intended building be forthwith laid down and determined and if such requisition be not complied with within six months from the date thereof, may, subject to all other provisions of this Act and the rules applicable thereto, proceed with the erection of the building ;

(*c*) the erection of any such building in any part of the City may be disapproved by the Commissioner if such building or any portion thereof comes within the line of any street the position and direction of which has been laid down by the Commissioner, with the approval of the Standing Committee, but which has not been actually constructed, or within the regular line of a new public street or of the extention of an existing public street which the Commissioner has been authorised to lay out under section 205 ;

(*d*) the foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed or rendered innocuous to the satisfaction of the Commissioner;

(*e*) the sub-soil of the site of a building shall, whenever the dampness or position of the site renders the precaution necessary, be effectually drained and the Commissioner may require such measures to be taken as will effectually protect the building from damp arising from the sub-soil.

Provisions of sufficient means of egress.

8. (*1*) Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, or are by any cause rendered inadequate he may, by wirtten notice, require the owner or occupier of the building to alter or reconstruct any existing staircase, lobby, passage, or landing in such manner and with such materials or to provide such additional or emergency staircase or exits as he may prescribe.

(*2*) Every staircase, landing or common passage of every building on each floor shall be kept free from obstruction, and no person shall permit any article to remain in any staircase, landing or common passage of any building in such a manner as may impede the passage of persons into, through and out of the said building.

(*3*) The existence of any article in any such staircase, landing or a common passage in any building shall be *prima facie* evidence that it was placed or permitted to remain therein by the owner or occupier of the building.

Inspection and occupation of buildings after completion.

Inspection and occupation of buildings after completion.

9. For the purposes of section 263—

(*a*) inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or in the absence of such address, affixed to a conspicuous part of the building to which such notice relates :—

(*i*) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(*ii*) refuse such permission in case such building has been erected or such work executed so as to contravene any provisions of this Act or of the rules or by-laws, or

(*iii*) refuse such permission until a private street or other means of access to such building fixed and determined under section 220 has been properly constructed and approved by the Commissioner,

(*iv*) refuse such permission unless the site of the building, or adjacent sites, as the case may be, are properly cleansed by the removal of all surplus building materials, debris, earth, rubbish and the tools used for building purposes.

Building not to be converted to other purposes without permission of Commissioner.

10. No person shall, without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission—

(*a*) use or permit to be used for human habitation any part of building not originally constructed or authorised to be used for that purpose ;

(*b*) convert into, or use, or permit to be used, as a chawl or building intended to form a range of separate rooms for lodgers, a building not originally designed or authorised to be so used ;

(*c*) use or permit to be used any building or part of a building originally constructed or authorised to be used for human habitation as a godown, warehouse, workshop, factory, stable, motor-garage, shop, stall, market or bazaar ;

(*d*) make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purposes of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory, stable, motor-garage, shop, stall, market or bazaar ;

(*e*) use or permit to be used as a godown, warehouse, workshop, workplace, factory, stable, motor-garage, shop, stall, market or bazaar any building or part of a building not orginally constructed or authorised to be used for any such purpose respectively.

Explanation.— "Chawl" shall mean a building consisting of two or more tenements having common sanitary and other amenities. If any question arises whether any building is a chawl, the decision of the Commissioner shall be final.

Alteration in buildings causing infringement of any rule or by-law not to be carried out.

11. No person shall make any alteration whatsoever in an existing building if the result of such alteration is that the requirements of this Act or of the rules or by-laws are contravened, notwithstanding that such alteration in itself does not require the permission or sanction of any authority under this Act.

Roofs and external walls of buildings not to be of inflammable materials.

12. (*1*) No external wall and no covering of a roof built or renewed since the appointed day shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

(*2*) If any external wall or covering of a roof is or has been, before the appointed day constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

(*3*) Where permission is given under sub-rule (*1*) or where any wall or roof is not required to be removed under sub-rule (*2*) the Commissioner may by order in writing require such precautions to be taken as he may specify against danger from fire.

Staircases, etc., to be lighted at night.

13. Where any staircase, passage or private court of or in a building divided into two or more separate tenements or the spaces near or leading to latrines or urinals or washing places therein are without any means of lighting at night time and of extinguishing such light or if the Commissioner is of opinion that the existing means of lighting a staircase, passage or private court of or in any such building or the spaces near or

leading to latrines or urinals or washing places therein available for the persons occupying or employed in such building or the means of extinguishing any such light are insufficient the Commissioner may, by written notice, require the owner of such building—

(*a*) to provide, fit up and maintain such or such additional means of lighting the staircase, passage or private court or the spaces near or leading to latrines or urinals or washing places as he may prescribe and keep them lighted until such time as he may specify in the notice ;

(*b*) to provide the necessary lamps, brackets and the necessary supply of gas, electricity or any other means of lighting and all means of extinguishing any lights, which he is required to provide ;

(*c*) to substitute for any existing means of lighting and extinguishing lights such other means of lighting or extinguishing lights, as he may prescribe.

Inspection of buildings by day or by night.

14. Any municipal officer or servant authorised by the Commissioner in this behalf may at any time between sunrise and sunset or upto 10 p.m. by night without notice enter any building for the purpose of ascertaining whether there is any contravention of the terms of any notice given under rule 13.

Building Loans.

Power of Commissioner to make advances for the purposes of increasing housing accommodation.

15. (*1*) Subject to the provisions of this Act, the Commissioner may, with the previous sanction of the Standing Committee, advance loans to persons or bodies of persons—

(*a*) constructing or altering or undertaking to construct or alter buildings intended for the poorer sections of the community;

(*b*) carrying out or undertaking to carry out repairs to such buildings in cases where the Commissioner considers that, having regard to the cost of those repairs or the financial position of the applicant, it is reasonable to give such assistance.

(*2*) Persons or bodies of persons desiring assistance by way of such advances may make an application to the Commissioner in such form as may be prescribed for a loan to be advanced by way of a mortgage on the security of the building to be so constructed, altered or repaired, and the Commissioner may after making such inquiry as he thinks necessary, and subject to the conditions mentioned in sub-rule (3) and such other conditions as the Corporation may prescribe advance such loan.

(*3*) Every such loan shall be subject to the following among other conditions:—

(*a*) that the building in respect of which the loan is to be advanced will when the construction, alteration or repair has been completed be in all respects fit for human habitation and shall be used wholly or mainly for residential purposes ;

(*b*) that the period within which the loan shall be repayable shall not exceed thirty years from the date of the completion of the construction, alteration or repair of the building;

(*c*) that the amount of the loan shall not exceed sixty per cent. of the cost of the construction, alteration or repair of the building (including outhouses and other works, if any, connected therewith) irrespective of the period of repayment;

(*d*) that the aggregate amount of the loan shall not exceed ten thousand rupees in the case of any one person or body of persons ;

(*e*) that the amount of the loan with interest thereon shall be secured by a mortgage of the building (including outhouses and other works, if any, connected therewith) together with the site on which they are created in favour of the Corporation containing such covenants and conditions as may be prescribed ;

(*f*) that, where the property intended to be mortgaged includes a leasehold interest, no loan shall be made unless that interest is a term of years absolute where of a period of not less than ten years in excess of the period for repayment of the loan remains unexpired at the date of the loan.

CHAPTER XIII.

Powers of Fire-Brigade Officers.

Powers of fire-brigade officers at a fire.

On the occasion of a fire the Chief or any other officer in charge of the fire-brigade may do all or any of the following acts :—

(*a*) remove, or order any fireman or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade ;

(*b*) take generally any measures that appears expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to or limiting the spread of such fire, doing as little damage as possible ;

(*c*) cause the water to be shut off from the mains and pipes of any area in order to give a greater supply and pressure of water in the area in which the fire has occurred and utilize the water of any stream, tank, cistern, well or tank available for the purpose of extinguishing or limiting the spread of such fire ;

(*d*) close any street or passage in or near the site of the fire ;

(*e*) give orders for the rendering of such assistance as he may deem advisable by the person in charge of any fire-engine ;

(*f*) use any premises for the passage of any hose or other appliance;

(*g*) take generally any measures that may appear necessary or expedient for the protection of life or property.

CHAPTER XIV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

Duty of owners and occupiers to collect and deposit dust, etc.

1. (*1*) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times in such manner and with such precautions as the Commissioner, by public notice, from time to time determines in the public receptacle, depot or place provided or appointed under section 292 for the temporary deposit or final disposal thereof:

Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner of any premises or either of them to cause all dust, ashes, refuse and rubbish, but not trade refuse, to be collected daily, or otherwise periodically from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(*2*) It shall be incumbent on the owners of all premises to provide receptacles of a size and material to be prescribed by the Commissioner in such number and retained in such positions as the Commissioner may from time to time by written notice direct for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises and to keep such receptacles at all times in good repair and condition.

(*3*) It shall also be incumbent on the owners and occupiers or either of them of all premises, when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirments of sub-rule (*1*).

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

2. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clasue (*a*) of sub-section (*1*) of section 131 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose, under clause (*d*) of

section 292, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time specifies.

Prohibition of failure to remove refuse, etc., when bound to do so.

3. No person—

(*a*) who is bound under rule 1 or rule 2, to cause the removal of dust, ashes, refuse, rubbish and trade refuse or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or shall keep the same otherwise than in a proper receptacle or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose ;

(*b*) shall remove any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice for the time being in force under rule 1 or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom ;

(*c*) shall, whilst engaged in the removal of any dust, ashes, refuse, rubbish or trade refuse, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall and entirely to remove the sweepings ;

(*d*) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

(*e*) shall throw or place any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 292 or rule 1;

(*f*) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption as to offender under [1][clause(e)] of rule 3.

4. If it shall in any case be shown that dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of [1][clause (*e*)] of rule 3 from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land.

Removal of rubbish and filth accumulating in large quantities on premises.

5. (*1*) If any person who is bound under rule 1 to cause the collection and deposit of dust, ashes, refuse, rubbish and trade refuse or under rule 2 to cause the collection and removal of excrementitious and polluted matter shall allow the same to accumulate on his premises for more than twenty-four hours or shall keep the same otherwise than in a proper receptacle or shall neglect to cause the same to be removed to the receptacle, depot, or place provided or appointed for the purpose, the Commissioner, may, in addition to the institution of any proceeding provided for in this Act, by written notice require such person to collect forthwith all such dust, ashes, refuse, rubbish and trade refuse or excrementitious or polluted matter accumulated thereon and remove the same forthwith in the manner and to the place provided by or under this Act.

(*2*) If such person shall fail to comply with the notice given under sub-rule (*1*), the Commissioner may cause the dust, ashes, refuse, rubbish, and trade refuse or excrementitious or polluted matter, accumulated in such premises to be removed and such charge as the Commissioner may, with the sanction of the Standing Committee, fix, shall be paid by such person towards the cost of removal.

Contract with owner or occupier for removal of rubbish or filth.

6. The Commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the Commissioner, and on payment of fees at such rate as the Corporation may determine.

Inspection and Sanitary Regulation of Premises.

Removal of building materials from any premises may be required.

7. If it shall appear to the Commissioner that any tiles, stones, rafters, building materials, or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner, in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may, by written notice, require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose

[1] The word, brackets and letter were substituted for the word, brackets and letter " clause (*c*) " by Bom. 39 of 1951, s. 3, Second Schedule.

of the same or to take such order with the same, as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

Measures against rats etc., may be required in respect of premises used for storage of goods.

8. Where it appears to the Commissioner that any building or part thereof used for the storage of goods is used in such manner as to afford harbourage to rats, mice, or other animals susceptible to plague or other vermin, he may require the owner or occupier by written notice to take such steps for the destruction of the rats, mice, or other animals or other vermin as are specified in the notice or to carry out such works as will render the walls and floors of such building or part of a building proof against such infestation.

Abandoned or unoccupied premises.

9. If any premises, by reason of abandonment or disputed ownership or any other reason, remain untenanted or unoccupied and thereby become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the City, or to any person who is known or believed to claim to be the owner, if such person is resident within the City, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right or property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected premises or private streets.

10. (*1*) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or trees or undergrowth injurious to health or offensive to neighbouring inhabitants or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or, with the approval of the Standing Committee, may require him to take such other order with the same as the Commissioner thinks necessary.

(*2*) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the Standing Committee require them to take such other order with the same as the Commissioner may think necessary :

Provided that nothing herein contained shall affect the provisions of section 290.

(*3*) In so far as the unwholesome or filthy condition of such premises or such street or such nuisance as abovementioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises or such street.

Nuisance arising from defective roof or from dampness rising through ground floor surface or through walls.

11. (*1*) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one by reason of rain water leaking from its roof or any part of its roof, or by reason of dampness rising through its ground floor surface or through its walls, the Commissioner may, by notice in writing, require the owner of such buildings to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(*2*) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-rule (*1*), give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(*3*) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done, as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.

Power of Commissioner to call for statement of accommodation.

12. (*1*) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof :—

(*a*) the total number of rooms in the building,

(*b*) the length, breadth and height of each room, and

(*c*) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(*2*) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :—

(*a*) the total number of persons dwelling in the building or any part of it,

(*b*) the manner of use of each room by day and by night, and

(*c*) the number, sex and age of the occupants of each room used for sleeping.

Nuisance caused by smoke of kitchens in dwelling houses.

13. (*1*) If at any time it shall appear to the Commissioner that any chimney of a kitchen in a dwelling house is in such a state as to constitute a nuisance by reason of smoke emitted from it, the Commissioner may by notice in writing require the owner of such building to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing acts to be specified in the notice.

(*2*) If at any.time it shall appear to the Commissioner that in any dwelling house the smoke from the kitchen constitutes a nuisance for want of provision of any chimney the Commissioner may by notice in writing require the owner to take such measures and do such acts for abating the nuisance as may be specified in the notice.

(*3*) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.

Abatement of nuisance from dust, smoke, etc.

14. If in the opinion of the Commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton, or any material, or the shifting, breaking, cutting or burning of such coal, charcoal, ashes, cinders or material or subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance.

Filling in of pools, etc., which are a nuisance.

15. (*1*) For the purpose of this rule, a nuisance shall include—

(*a*) any pool, swamp, ditch, tank, well, pond, quarry-hole, drain, water course or any collection of water ;

(*b*) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season, whether within or outside a building;

(*c*) any land on which water accumulates or is likely to accumulate ; or

(*d*) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction, or demolition, which in the opinion of the Commissioner is, or is likely to become, a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (*40*) of section 2.

(*2*) The Commissioner may, by notice in writing, require the person by whose act, default or sufference a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee, and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(*3*) The Commissioner may also by any notice under sub-rule (*2*) or by another notice, served on such person, owner, lessee and occupier,

or on any one or more of them, require them, or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur :

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided for offences under this rule.

(*4*) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may, in addition to serving any notice or any one or more of the persons mentioned in sub-rule (*2*), serve any such notice on any architect, surveyor, contractor or other person employed to carry out such work of construction, reconstruction or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more or such contractor, person and sub-contractor.

(*5*) The Commissioner may, by notice in writing, require, any person, owner, lessee and occupier, or any one or more of them, to provide a ladder or ladders (either fixed or moveable) for the purpose of inspection of roof gutters by the municipal staff, if such gutters in any premises are likely to become a breeding place of mosquitoes due to the accumulation of water.

(*6*) If any person who, by a requisition made under sub-rule (*2*) or sub-rule (*3*), is required to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the Standing Committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 481 for failure to comply with such requisition except with the approval of the Standing Committee, but the Commissioner may neverthless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 479 and, pending the Standing Committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the Standing Committee, whether the expenses of any work already done as aforesaid shall be paid by such person, or by the Commissioner out of the Municipal Fund or shall be shared, and, if so, in what proportions.

Permission for new well etc.

16. (*1*) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

(*2*) If any such work is begun or completed without such permission, the Commissioner may either—

(*a*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or

(*b*) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-rule (*1*).

Precautions in case of dangerous tanks, wells, holes, etc.

17. (*1*) If the Commissioner is of opinion that any tank, pond, well, hole, stream, dam, bank or other place is, for want of sufficient repair, protection or enclosure, dangerous to passerby, or to persons living in the neighbourhood, he may by written notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(*2*) If in the opinion of the Commissioner immediate action is necessary he may himself, before giving such notice or before the period of notice expires, take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be paid by the owner.

Power to order cleansing of insanitary private water course, spring, tank, well, etc., used for drinking.

18. (*1*) The Commissioner may by written notice require the owner of or person having control over, any private watercourse, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the Commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(*2*) If the water of any private tank, well, or other place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the Commissioner to be unfit for that purpose, the Commissioner may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

(*b*) close or fill up such place or enclose it with a substantial wall or fence.

Duty of Commissioner in respect of public well or receptacle of stagnant water.

19. If it appears to the Commissioner that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up.

Dangerous quarrying may be stopped.

20. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having lawful access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the Standing Committee, by written notice require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

21. (*1*) If, in the opinion of the Commissioner—

(*a*) any hedge is at any time insufficiently cut or trimmed, or overgrown with prickly-pear or other rank vegetation ;

(*b*) any tree or shrub has fallen or is likely to fall to the danger of public safety or overhangs or obstructs any street or street light to the inconvenience or danger of passengers therein ;

(*c*) any tree situated within any premises has fallen or if any such tree or any branch or fruit thereof is likely to fall and is in any way dangerous to any person occupying, resorting to or passing by such premises or to any structure or place in the neighbourhood thereof; or

(*d*) any tree situated within any premises causes or is likely to cause inconvenience or nuisance to any person occupying such premises or any neighbouring premises,

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing :—

(*i*) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom ; or

(*ii*) to remove, cut, lop or trim such tree or shrub or remove the fruit thereof, as the case may be.

(*2*) In any case falling under clause (*b*) or (*c*) of sub-rule (*1*) the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed or cause any fruit thereof to be removed or cause a part of a street to be fenced off or cause any other measures which he deems necessary to arrest the danger to be taken without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, neverthless, be paid by the owner or occupier.

Keeping and Destruction of Animals.

Prohibitions as to keeping animals.

22. (*1*) No person shall—

(*a*) without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission keep or allow to be kept in any part of the city any swine, horses, cattle, goats, sheep, donkeys or such other four-footed animals as the Commissioner may, from time to time, by public notice direct;

(*b*) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter;

(*c*) keep any animal or bird on his premises so as to be a nuisance or so as to be dangerous.

(*2*) The Commissioner may —

(*a*) specify in the written permission the limit of the number of animals to be kept on particular premises, or

(*b*) refuse to give or renew permission if he shall be of opinion that the keeping of the animals on any premises is or is likely to be a nuisance or danger to any person or objectionable on sanitary grounds.

(*3*) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct, and no claim shall lie for compensation for any swine so destroyed.

(*4*) The Commissioner shall make provision for affixing marks for purpose of identification on animals in respect of which permission is granted under sub-rule (*1*).

Tethering animals in excess of permitted number prohibited.

23. No person shall tether any animal or cause or permit the same to be tethered beyond the limit authorised by any permission granted under rule 22 or allow any animal to stray at any place in any part of the City.

Stabling animals or storing grain in dwelling house may be prohibited.

24. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely :—

(*a*) for keeping any horse, cow, buffalo, bullock, goat, sheep or donkey, or

(*b*) as a godown or place for the storage, in connection with wholesale trade; of grain, seed or groceries, the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose :

Provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe.

Regulation of Factories, Trades, etc.

New factories.

25. (*1*) Every application for permission under section 313 shall be in writing and shall give such information and be accompanied by such plans as may be prescribed by by-laws.

(*2*) The Commissioner may, as soon as may be after the receipt of the application—

(*a*) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, provided the location of such factory, workshop, workplace or bakery is not contrary to any requirement of this Act or any rule, by-law, regulation or standing order, or

(*b*) refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop, workplace or bakery in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be for any reason a nuisance to the inhabitants of the neighbourhood.

(*3*) If any written permission for the establishment of a factory, workshop, workplace or bakery granted under sub-rule (2) be revoked by the Commissioner in the exercise of his power under sub-section (*3*) of section 386, no person shall continue or resume the working or use of such factory, workshop, workplace or bakery until such written permission is renewed or a fresh written permission is granted by the Commissioner.

Furnaces used in trade or manufacture to consume their own smoke.

26. (*1*) The Commissioner may by public notice direct that every furnace employed or to be employed for the purpose of any trade or manufacture shall be so constructed, supplemented or altered as to consume its own smoke as far as may be practicable.

(*2*) No person shall after such direction—

(*a*) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke ; or

(*b*) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(*3*) Nothing in this rule shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

(*4*) Any person who contravenes the provisions of this rule, whether he be the owner or occupier of the premises in which the furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum amounting to double the amount of the fine imposed on the last preceding conviction.

Sanitary regulation of factories, etc.

27. (*1*) Whenever it shall appear to the Commissioner—

(*a*) that any factory, work-shop or work-place, or any building or place in which steam, water, electrical or mechanical power is employed or any bakery is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, soot, dust or other impurity generated in the course of the work carried on therein, which is a nuisance or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein ; or

(*b*) that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may, by written notice, require the owner of such factory, work-shop, work-place or other building or place or bakery to take such order for putting and maintaining the same in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(*2*) Nothing in this rule shall be deemed to affect any provision of the Indian Boilers Act, 1923, and nothing in this section which relates to fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply to any factory to which the provisions of the Factories Act, 1948, are applicable.

Prohibition of use of steamwhistle or stream trumpet without permission of the Commissioner.

28. (*1*) No person shall, without the written permission of the Commissioner, use or employed in any factory or any other place, any whistle, trumpet, siren or horn, worked by steam, compressed air, electricity or other mechanical means for the purpose of summoning or dismissing workmen or persons employed.

(*2*) The Commissiner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same :

Provided that nothing in sub-rule (*2*) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (*3*) of section 386.

Commissioner may issue directions for abatement of nuisance caused by steam or other power.

29. (*1*) If, in any factory, work-shop, work-place or any building or place in which steam, water, electrical or mechanical power is used, nuisance is in the opinion of the Commissioner caused by the particular kind of fuel used or by the noise or vibration created, or in any other manner, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(*2*) If there has been wilful default in complying with such directions or if abatement is found impracticable, the Commissioner may—

(*a*) prohibit the use of the particular kind of fuel; or

(*b*) prohibit the working of the factory, workshop or work-place altogether until such directions have been carried out or between the hours of 6 p.m. and 6 a.m. or during any particular time or times between such hours.

Prohibition of Corruption of Water by Chemicals, etc.

Power of inspection.

30. (*a*) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes, or conduits connected with any such manufacture or trade as is referred to in section 376, lay open and examine the said works, pipes or conduits.

(*b*) If, upon such examination, it appears that section 314 has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof or through whose neglect or fault the said section has been contravened.

(*c*) If it appears that there has been no contravention of the said section, the said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

Power of Commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory.

31. Whenever it shall appear to the Commissioner that any factory, work-shop, work-place or any building or any place in which steam, water or mechanical or electrical power is employed or any bakery is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood he may by written notice require the owner or occupier of such factory, work-shop, work-place, building or place or bakery to discontinue the use thereof for any of the purposes that may be specified in such notice.

Regulation of washing of clothes by washermen and provision of washing places.

32. (*1*) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose.

(*2*) When any such prohibition has been made, neither the owner of the premises shall permit the washing of clothes nor any person who is by calling a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

(*3*) The Commissioner shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the Standing Committee.

Prevention of the spread of dangerous diseases.

Information to be given of the existance of dangerous disease.

33. (*1*) In the event of any person within the City, other than an inpatient in a public hospital, being attacked with a dangerous disease—

(*a*) every medical practitioner or person openly and usually practising the medical profession, who in the course of such practice becomes cognizant of the fact, and

(*b*) the occupier of the building in which the person so attacked may be residing or, if the occupier is himself the person attacked, then every adult member of the household, and

(*c*) every person in charge of or in attendance on any person so attacked,

(shall, as soon as he becomes cognizant of the fact, forthwith report the same, or cause a report thereof to be made to the Medical Officer of Health :

Provided that no person shall be bound to make such report or to cause such report to be made, if such report has been so made.

Information to be given of animal suffering from a contagious or infectious disease.

(*2*) The owner or person in whose custody any animal may be which is suffering from an infectious or contagious disease shall, as soon as he becomes cognizant of the fact, report the same, or cause a report thereof to be made, to the Medical Officer of Health :

Provided that no person shall be bound to make such report or so cause such report to be made, if such report has been so made.

Prohibition of use for drinking of water likely to cause dangerous disease.

34. (*1*) If it shall appear to the Commissioner that the water in any well, tank or other place is likely to endanger or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water.

(*2*) No person shall remove or use any water in respect of which any such public notice has been issued.

Power to order removal to hospital.

35. (*1*) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the Medical Officer of Health or by any duly qualified medical practitioner, direct or cause the removal of any person who is suffering from a dangerous disease and who is, in the opinion of such Medical Officer of Health or other medical practitioner, without proper lodging or accommodation, or is lodged in a building occupied by more than one family, or whose circumstances are such that proper precautions to prevent the spread of infection cannot be taken or

that such precautions are not being taken, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(*2*) The person, if any, who has charge of a person in respect of whom an order is made under sub-rule (*1*) shall obey such order.

(*3*) No person who is removed to a hospital or place under sub-rule (*1*) shall leave, or be removed from, such hospital or place except with the permission of the officer in charge thereof.

Power to order detention in hospital of infected person without proper lodging to return to.

36. (*1*) Where a magistrate, not being magistrate of the third class, is satisfied, on the application of the Medical Officer of Health that the inmate of a public hospital who is suffering from a dangerous disease would not, on leaving the hospital, be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the magistrate may order him to be detained in the hospital at the cost of the Corporation.

(*2*) An order made under sub-section (*1*) may direct detention for a period specified in the order, but the magistrate may extend a period so specified as often as it appears to him to be necessary so to do.

(*3*) Any person who leaves a hospital contrary to an order under sub-rule (*1*) may, in addition to any penalty which may be imposed for such contravention, be ordered by the Court to be taken back to the hospital.

(*4*) An order under this rule may be directed, in the case of an order for a person's detention, to the officer in charge of the hospital and, in the case of an order made under sub-rule (*3*), to the Medical officer of Health and the officer in charge of the hospital or institution, and the Medical Officer of Health may do or authorise, all acts necessary for giving effect to the order.

Disinfection of buildings.

37. If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may cause such building or part thereof or article therein to be cleansed or disinfected at the charge of the Municipal Fund and may cause such building to be vacated for such period as he deems necessary for such purpose :

Provided that, if in the opinion of the Commissioner, the owner or occupier is able effectually to carry out such cleansing or disinfection, the Commissioner may cause the said building or part of the building or article likely to retain infection to be cleansed or disinfected by and at the charge of the owner or occupier thereof.

Place for disinfection may be provided.

38. (*1*) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the Standing Committee, in this behalf or in any case in which he thinks fit, free of charge.

Also for washing infected articles.

(*2*) The Commissioner may, from time to time, by public notice appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and

no person shall wash any such articles at any place not so appointed without having previously disinfected the same.

Exposure of persons and articles liable to convey dangerous disease prohibited.

39. (*1*) No person knowing that he is suffering from a dangerous disease shall expose other persons to the risk of infection by his presence or conduct in any street, public place, place of entertainment or assembly, school, club, place of religious worship, hotel, inn, *dharmashala*, lodging house, eating house, factory, shop, market or other place of public resort.

(*2*) No person having the care of a person whom he knows to be suffering from a dangerous disease, shall cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid.

(*3*) No person shall give, lend, sell, transmit or expose without previous disinfection any clothing, bedding or rags which he knows to have been exposed to infection from any such disease, or any other articles which he knows to have been so exposed and which is liable to carry such infection:

Provided that a person shall not incur any liability under this rule by transmitting with proper precautions any article for the purpose of having it disinfected.

(*4*) No person shall place or cause to be placed in a dustbin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from dangerous disease and which has not been disinfected.

Person suffering from dangerous disease not to carry on occupation of danger.

40. No person knowing that he is suffering from a dangerous disease shall engage in or carry on any trade, business or occupation which he cannot engage in or carry on without risk of spreading the disease.

Explanation.—For the purposes of this rule, making, carrying or offering for sale or taking part in the business of making, carrying or offering for sale any article of food or drink for human consumption and any other trade, business or occupation which may from time to time be specified by public notice by the Medical Officer of Health shall be deemed to be a trade, occupation or business in which a person suffering from a dangerous disease cannot engage in or carry on without risk of spreading the disease.

Conveyances for persons suffering from a dangerous disease.

41. The Commissioner may provide and maintain a suitable conveyance or suitable conveyances for the free carriage of persons suffering from a dangerous disease and, when such provision is made may by public notice prohibit the conveyance of such persons in all or any public conveyances.

Provisions as to use of public conveyance by persons suffering from dangerous disease.

42. (*1*) No person who knows that he is suffering from a dangerous disease shall—

(*a*) enter any public conveyance used for the conveyance of persons at separate fares ; or

(*b*) where no notice has been issued by the Commissioner under rule 41 enter any other public conveyance without previously notifying the owner or driver thereof that he is so suffering.

(*2*) No person having the care of a person whom he knows to be suffering from a dangerous disease shall permit that person to be carried—

(*a*) in any public conveyance used for the conveyance of persons at separate fares ; or

(*b*) where no notice has been issued, by the Commissioner under rule 41, in any other public conveyance without previously informing the owner or driver thereof that person is so suffering.

(*3*) A person who contravenes any of the provisions of this rule shall, in addition to any other penalty to which he may be subject, be ordered by the Court to pay to any person concerned with the conveyance as owner, driver or conductor thereof a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance.

Duty of owner etc., of public conveyance in regard to cases of dangerous disease.

43. (*1*) The owner, driver or conductor of public conveyance used for the conveyance of passengers at separate fares, shall not convey therein a person whom he knows to be suffering from a dangerous disease.

(*2*) The owner or driver of any other public conveyance, notwithstanding that no notice has been issued by the Commissioner under rule 41, may refuse to convey therein any person suffering from a dangerous disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by him in connection with the disinfection of the conveyance.

(*3*) If a person suffering from a dangerous disease is conveyed in a public conveyance, the person in charge thereof shall, as soon as practicable and before permitting any other person to enter the conveyance, cause the conveyance to be disinfected.

Provision as to the letting of houses or rooms in hotel after recent case of dangerous disease.

44. (*1*) No person who—

(*a*) is concerned in the letting of a house or part of a house, or in showing house or part of a house with a view to its being let; or

(*b*) has recently cease to occupy a house or part of a house, shall if questioned by any person negotiating for the hire of the house, or any part thereof, as to whether there is, or has been within the preceding six-weeks, in any part of the house a person suffering from a dangerous disease, knowingly make a false answer to that question.

(*2*) No person shall let any house or part of a house in which a person has to his knowledge been suffering from a dangerous disease without having the house, and all articles therein liable to retain infection, disinfected to the satisfaction of the Medical Officer of Health or of some other registered medical practitioner, as testified by a certificate signed by him.

(*3*) No owner or manager of a hotel, lodging house, *serai* or *dharmshala*, shall allow a room therein in which any person has to his knowledge been suffering from a dangerous disease to be occupied by any other person before the room and all articles therein liable to retain infection have been disinfected to the satisfaction of the Medical Officer of Health or of some other registered medical practitioner, as testified by a certificate signed by him.

Child liable to convey dangerous disease may be ordered not to attend school.

45. A person having the care of a child who is, or who has been, suffering from, or has been exposed to infection of, a dangerous disease, shall not, after receiving notice from the Medical Officer of Health that the child is not to be sent to school, permit the child to attend school, until he has obtained from the Medical Officer of Health a certificate, for which no charge shall be made, that in his opinion the child may attend school without undue risk of communicating the disease to others.

Infected clothes not to be sent to laundary etc.

46. (*1*) A person shall not send or take to any washerman or to any laundry or place set apart for the exercise by washermen of their calling or to any public water-course, tank or well for the purposes of being washed, or to any place for the purpose of being cleaned, any article which he knows to have been exposed to infection from a dangerous disease unless that article has been disinfected by, or to the satisfaction of, the Medical Officer of Health or a registered medical practitioner or is sent with proper precautions to a laundry for the purpose of disinfection, with notice that it has been exposed to infection.

(*2*) The occupier of any building in which a person is suffering from a dangerous disease shall, if required by the Medical Officer of Health, furnish to him the address of any washereman to whom or any laundry or other place to which articles from the house have been, or will be, sent during the continuance of the disease for the purpose of being washed or cleaned.

Power to prohibit home work on premises where dangerous disease exsist.

47. (*1*) If a case of a dangerous disease occurs in any place then, whether the person suffering from the disease has been removed from the place or not, the Medical Officer of Health may make an order forbidding any work to which this rule applies to be given out to any person living or working in that place or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or other place from which it is given out, or on any contractor employed by any such occupier.

(*2*) An order under sub-rule (*1*) may be expressed to operate for a specified time or until the place or any part thereof specified in the order have been disinfected to the satisfaction of the Medical Officer of Health, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(*3*) This rule applies to the making, cleansing, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time by public notice be specified by the Commissioner.

Provisions as to library books.

48. (*1*) A person who knows that he is suffering from a dangerous disease shall not take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.

(*2*) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from a dangerous disease.

(*3*) If a book taken from a public or circulating library is to the knowledge of the person who has so taken it exposed to infection from a dangerous disease, he shall not return the book to the library but shall give notice to the person in charge thereof that it has been so exposed to infection.

(*4*) On receiving a notice under sub-rule (*3*) the person in charge of the library shall cause the book to be disinfected and returned to the library or shall cause it to be destroyed.

Person ceasing to occupy house to disclose to owner any recent case of dangerous disease and to disinfect.

49. (*1*) Every person who ceases to occupy a house or part of a house in which to his knowledge a person has within six weeks previously been suffering from dangerous disease shall—

(*a*) have the house, or the part of the house, and all articles therein liable to retain infection disinfected to the satisfaction of the Medical Officer of Health or some other registered medical practitioner, as testified by a certificate signed by him ;

(*b*) give to the owner of the house or the part of the house, notice of the previous existence of the disease; and

(*c*) on being questioned by the owner as to whether within the preceding six weeks there has been therein any person suffering from any dangerous disease, give a true and correct answer to such question.

(*2*) The Medical Officer of Health shall give notice of the provisions of this rule to the occupier and also to the owner of any house in which he is aware that there is a person suffering from a dangerous disease.

Avoidance of contract with body of person who suffered from dangerous disease.

50. Every person, having the charge or control of any place in which is lying the body of a person who has died while suffering from a dangerous disease shall take such steps as may be reasonably practicable to prevent persons coming unnecessarily into contact with, or proximity to, the body.

Disposal of dead bodies in certain cases.

51. (*1*) No person shall, without the written sanction of the Medical Officer of Health, retain in any place, other than a public mortuary, for more than twelve hours the body of any person who has died while suffering from a dangerous disease.

(*2*) If any such body, not being a body kept in a public mortuary, remains undisposed of for more than twelve hours without sanction as aforesaid or if the dead body of any person is retained in any building so as to endanger the health of the inmates thereof or of an adjoining or neighbouring building, a magistrate may, on the application of the Commissioner, order the body to be removed and disposed of within a specified time and, on such order being made, unless the relatives or friends of the deceased person undertake to, and do, cause the body to be disposed of within the time specified in the order, the Commissioner shall cause the body to be disposed of. Any expenses reasonably incurred by the Commissioner in so doing shall be paid by any person legally liable to pay the expenses of the disposal of the body unless the Commissioner waives recovery on the ground of poverty.

Restriction in certain cases on removal of persons dying in hospital.

52. (*1*) If any person dies in a hospital or other place appointed for the accommodation of the sick, while suffering from a dangerous disease, and the Medical Officer of Health or some other registered medical practitioner certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from the hospital or place except for the purpose of being taken direct to a mortuary or to a place set apart for the disposal of the dead, it shall not be lawful for any person to remove the body from the hospital or place except for such a purpose.

(*2*) In such case as aforesaid, when the body is removed for the purpose of disposal from the hospital or other place or any mortuary to which it has been taken, it shall forthwith be taken direct to some place set apart for the disposal of the dead and there disposed of.

Special measures to check outbreak of dangerous diseases.

Special measures.

53. (*1*) The special measures to be taken and temporary regulations to be made by the Commissioner under section 319 may include any of the following matters, namely :—

(*a*) the evacuation of an infected building used as a dwelling or of any part thereof by the person or persons residing whether habitually or temporarily therein, provided sufficient accommodation for all persons affected is available, or is proved elsewhere ;

(*b*) compulsory vaccination or preventive inoculation of persons entering, residing in, or leaving specified areas ;

(*c*) the examination by a medical officer of persons and, if necessary, the disinfection of the clothing, bedding or other articles suspected of being infected belonging to persons either arriving from outside a specified area or residing in any building adjacent to any infected building in that area, the recording of the addresses of such persons, and the daily presentation of such persons for medical examination at a specified time and place, for a period not exceeding ten days ;

(*d*) the prohibition either generally, or by special order in any individual case, of assemblages consisting of any number of persons exceeding fifty, in any place, whether public or private, or in any circumstances; or for any purpose ;

(*e*) the closure for a period to be specified of any theatre, cinema-house or other place of entertainment;

(*f*) the closure, by a written notice to the authorities in charge of a school, of such school for such period as is specified in the notice ;

(*g*) restrictions on the movements of persons exposed to infection from a dangerous disease or likely to infect other persons with any such disease ;

(*h*) restrictions on the export from, or import into, or transport within a specified area of any goods or articles exposed to, and likely to retain infection, from a dangerous disease or likely to infect persons with any such disease, or the destruction of any such goods or articles ;

(*i*) the examination, unloading and disinfection, if necessary, at any place within or outside the City, of any consignment of grain or other foodstuffs, cotton or clothing exported from, or imported into, the City by road or rail;

(*j*) closure of all or any existing markets and bazaars and appointment of special places where markets or bazaars may be held.

(*2*) When any regulation is in force, requiring compulsory vaccination or inoculation, any person who, or child or in whose care, is sought to be vaccinated or inoculated in pursuance of the regulation may declare before a Magistrate exercising not less than second class powers that he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, and the magistrate may, after giving notice to the Medical Officer of Health and after hearing any representation made by him or on his behalf, exempt such person or child from vaccination or inoculation on condition that the person aforesaid and the members of his family submit to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the magistrate.

(*3*) The Commissioner may in his discretion give compensation to any person who sustains substantial loss by the destruction of any property under any provision of or any regulation made in accordance with this rule, but, except as allowed by the Commissioner, no claim for compensation shall lie for any loss or damge caused by the exercise of the powers specified therein.

CHAPTER XV.

MARKETS AND SLAUGHTER-HOUSES.

Provisions regarding approaches and environs of private markets.

1. (*1*) The Commissioner may—

(*a*) define or determine the limits of any private market or declare what portion of such market shall be made part of the existing approaches, streets, passages and ways to and in such market; and

(*b*) after hearing the owner or occupier of such market, by written notice require such owner or occupier to—

(*i*) lay out, construct, alter, clear, widen, pave, drain and light, to the satisfaction of the Commissioner, such approaches, streets, passages and ways to or in such market;

(*ii*) provide such conveniences for the use of persons resorting to such market; and

(*iii*) provide adequate ventilation and lighting of the market-building, or any portion thereof, including shops and stalls, as the Commissioner may think fit.

(*2*) The Commissioner may, by written notice, require such owner or occupier to maintain in proper order the approaches, streets, passages and ways to and in such market and such other conveniences as are provided for the use of persons resorting thereto.

Provisions for requiring private market buildings and slaughter-houses to be properly paved and drained.

2. The Commissioner may, by a written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause,—

(*a*) the whole or any portion of the floor of the market building, market place or slaughter-house to be raised or paved with dressed stone or other suitable material;

(*b*) such drains to be made in or from the market-building, markets place or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary;

(*c*) a supply of water to be provided for keeping such market-building, market place or slaughter-house in a clean and wholesome state ;

(*d*) any shop, stall, shed, standing or other structure, in any private market to be altered or improved, in such manner as the Commissioner may consider necessary;

(*e*) any privy, water-closet or urinal or any other sanitary arrangement to be constructed or made at such site and in such manner as the Commissioner may deem necessary and expedient; and

(*f*) any other measures to be taken necessary, in his opinion, in the interest of public health or sanitation.

CHAPTER XVI.

TRANSPORT UNDERTAKINGS.

Fares and Charges.

Exhibition of list of fares and charges.

1. A printed list of all the fares and charges levied for the time being in such language or languages as the Corporation may from time to time specify in this behalf shall be exhibited in a conspicuous place inside each vehicle used by the Transport Undertaking for the conveyance of the public.

2. The fares and charges shall be paid to such persons, at such places upon or near the prescribed route of the transport service, and in such manner and under such regulations, as the Transport Committee shall, by notice to be annexed to the list of fares, prescribe.

CHAPTER XVII.

VITAL STATISTICS.

Forms of Certificate of Death.

Forms to be provided.

For the purpose of section 369 the Commissioner shall provide printed forms of the certificates of death and any duly qualified medical practitioner resident in the City shall be supplied, on application, with such forms free of charge.

CHAPTER XVIII.

ARTICLES FOR KEEPING WHICH AND TRADES AND OCCUPATION FOR WHICH LICENCES ARE NEEDED.

PART I.

Articles which shall not be kept without a licence in or upon any premises.

Dynamite
Blasting powder
Fulminate of mercury
Gun-cotton
Nitro-glycerine
Phosphorous

PART II.

Articles which shall not be kept without a licence, in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively :—

Articles	Maximum quantity which may be kept at any one time without a licence.
Bidi leaves	4 cwts.
Camphor	1/2 cwt.
Celluloid	4 cwts.
Celluloid goods	
Cinematograph films	20 lbs.
Copra	4 cwts.
Cotton refuse and waste	4 cwts.
Cotton seed	12 cwts.
Dry leaves (*Patravli, etc.*)	4 cwts.
Gun powder	5 lbs.
Matches for lighting	5 gross boxes.
Methylated spirit and Denatured spirit	10 gallons.
Paints	5 cwts.
Old paper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use. . .	4 cwts.
Petroleum as defined in the Petroleum Act, 1934.	10 gallons.
Oil (other sorts)	20 gallons.
"Oil-seeds" other than Cotton seed . .	1 ton.
Sulphur	1/2 cwt.
Tar, pitch, dammer or bitumen . .	1/2 cwt.
Turpentine	10 gallons.
Varnish	40 cwts.

PART III.

Articles which shall not be kept without a licence for sale or for other than domestic use in or upon any premises irrespective of the quantity kept at any one time or in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively :—

Articles.	Maximum quantity if any, which may be kept at any one time without a licence.
Bamboos	10 cwts.
Bones	
Coconut fibre	
Charcoal	
Coal	
Coke	
Fat	
Firewood	
Fireworks	
Fish (dried)	10 cwts.
Grass (dry)	
Gunny bags	
Hair	
Hay and fodder	
Hemp	
Hessian cloth (Gunny bag cloth) . .	
Hides (dried)	
Hides (raw)	
Hoofs	
Horns	
Khokas or wooden boxes or barrels (manufacturing and storing)	
Rags	10 cwts.
Skins	
Timber	
Wood (raw)	3 cwts.

PART IV.

Trades or operations connected with trade which shall not be carried on in or upon any premises without a licence.

Baking or preparing for human consumption (for other than domestic use) bread, biscuits or other articles made of flour.

Casting metals.

Condiments manufacturing.

Dyeing cloth or yarn, in indigo or other colour.

Electro-plating.

Keeping of eating-houses.

Keeping of sweetmeat shops except in premises already licensed as an eating-house.

Keeping of hair dressing saloons or barbers' shops.

Tanning, pressing or packing hides or skins whether raw or dried.

Manufacturing, packing, pressing, cleaning, cleansing, melting or preparing by any process whatever any of the following articles :—

Aerated water.

Bones.

Bricks or tiles.

Catgut.

Cotton or cotton refuse or cotton seed.

Compressed coal.

Dammer.

Dynamite.

Fat.

Fireworks.

Ice, ice candies, ice fruit or ice cream.

Lime.

Matches for lighting.

Paper.

Rubber goods.

Snuff.

Soap.

Sugar, sugar candy.

Tar.

Vegetable oil.

CHAPTER XIX.

PENALTIES.

Certain offences punishable with fine.

1. *Whoever*—

(*a*) contravenes any provision of any of the rules, sub-rules and clauses mentioned in the first column of the following table or any regulation made thereunder ; or

(*b*) fails to comply with any requisition lawfully made upon him under any of the said rules, sub-rules or clauses, shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the second column of the said table.

Rule, sub-rule or clause	Fine which may be imposed.
Chapter VIII.	
1,2(2), 5, 25	Fifty rupees.
29(1), 29(2)	One hundred rupees.
Chapter IX.	
2(3), 2(4), 4, 9(2), 11(1), 14(1), 15, 17(1), 18, 19(2), 19(3)	Fifty rupees.
1(1), 2(1), 5(a), 6, 10, 17(2)	One hundred rupees.
3, 7(1), 7(2), 8, 12, 13, 16, 19(1), 19(4)	Two hundred rupees.
Chapter X.	
3(1), 6, 7, 11(2), 18(2)	Fifty rupees.
2(2), 2(3), 8(1), 13, 14	One hundred rupees.
2(1), 3(1), 18(1)	Two hundred rupees.
Chapter XI.	
288(1) (e), 288(2)	Twenty rupees.
Chapter XII.	
12(1), 12(2), 12(3)	Ten rupees.
8(2), 13	Fifty rupees.
8(1)	One hundred rupees.
11	Two hundred rupees.
10	Five hundred rupees.
6(1)	One thousand rupees.
Chapter XIV.	
1, 2, 13(1), 13(2), 32(2).	Twenty rupees.
3, 5(1), 7, 10, 11(1), 11(2), 14, 17, 18(1), 21(1), 24, 28(1), 34(2), 41, 48(1), 48(2), 48(3), 48(4)	Fifty rupees.
8, 18(2), 22(1), 23, 33(1), 35(2), 35(3), 36, 38(2), 39 (1), 39(2), 39(4), 40, 44, 45, 46(2), 49(1), 42(1), 42(2), 50, 51(1)	One hundred rupees.
12, 15, 29(1), 34(2), 46(1), 52(1), 52(2) . .	Two hundred rupees.
16(1), 16(2), 27(1), 47	Two hundred and fifty rupees.
20, 29(2), 31, 39(3), 43(1), 43(3), 44(2), 44(3)	Five hundred rupees.
25(3)	One thousand rupees.
Chapter XV.	
1(1) (b), 1(2), 2	Two hundred rupees.

Continuing offences.

2. Whoever, after being convicted of—

(*a*) contravening any provision of any of the rules, sub-rules and clauses mentioned in the first column of the following table or any regulation made thereunder ; or

(*b*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections, or clauses, continues to contravene the said provisions or to neglect to comply with the said requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the second column of the said table.

Rule, sub-rule or clause.	Daily fine which may be imposed.
Chapter IX.	
2(3), 2(4), 4,9(2), 11(1), 14(1), 15,17(1) . .	Five rupees.
1(1), 2(1), 3,5(a), 6,10,17(2), 18, 19(2), 19(3)	Ten rupees.
12,13	Twenty rupees.
7(1), 7(2), 19(1), 19(4)	Fifty rupees.
Chapter X.	
7,11(2), 18(2)	Five rupees.
6,8(1)	Ten rupees.
18(1)	Fifty rupees.
ChapterXI.	
288(1)(e), 288(2)(b)	Five rupees.
Chapter XII.	
12(2), 12(3)	Five rupees.
8(2), 13	Ten rupees.
8(1)	Twenty rupees.
6(1), 10	One hundred rupees.
Chapter XIV.	
7,8,13(1), 13(2), 21(1), 32(2)	Five rupees.
1, 2, 3, 5 (1), 8, 14,17,18(1), 28(1)	Ten rupees.
11(1), 11(2), 15,22(1)	Fifteen rupees.
12,16(2), 18(2), 23,24	Twenty rupees.
29(1), 40,45,47	Fifty rupees.
20,27(1), 29(2), 31	One hundred rupees.
25(3)	Five hundred rupees.
Chapter XV.	
2	Fifty rupees.

(G.C.P.) H 4062—55 (5,542—7-2014)

FORMS.

FORM A.

(*See* Chapter I, rule 9.)

Nomination Paper.

Name and number of the ward. . .

Name of candidate. . . . . .

Father's Name, ...

Husband's . . . . . .

Age . . . . . .

Address . . . . . .

Ward in the election roll of which the name of the candidate is included. . .

Number of the candidate in the ward election roll . . . . . .

Community and caste (only to be filled in by [1][member of a Scheduled Caste] candidate [2][when election is for the seat reserved for] [3][members of the Scheduled Castes]) . . . . . .

Name of the proposer . . . . . .

Number of the proposer in the election roll of the ward . . . . . .

Signature of the proposer. . . . . .

Name of the seconder . . . . . .

Number of the seconder in the election roll of the ward . . . . . .

Signature of the seconder . . . . .

Declaration by candidate.

I hereby declare that I agree to this nomination.

Date (Signature of candidate).

(To be filled in by the Commissioner.)

Certificate of Delivery.

Serial No.

This nomination paper was delivered to me at my office at (date and hour).

(Signature of the Commissioner).

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1. These words were substituted for the word " Harijan " by Bom. 53 of 1959, s.2, *Sch*.
2. These words were substituted for the words " when election includes seat reserved for " by Mah. 26 of 1967, s. 4(*a*).
3. These words were substituted for the word " Harijans " by Bom. 53 of 1959, s.2, *Sch*.

FORM B.

(*See* Chapter I, rule 25.)

FORM OF BALLOT PAPER.

Form of Front of Ballot Paper.

Counterfoil Outerfoil

Serial No. Front

Ward.....	Name and Symbol of Candidate	Cross
Name and number of polling station		
Number of elector on election roll		
Signature or thumb-impression of elector		

Note.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names and symbols of candidates and spaces for recording votes.

Back of Outerfoil.

Instructions

[1][1. You have one vote.]

2. The vote is to be shown by a cross mark (X). Each mark means one vote.

3. Do not put more than one cross against the name of any one candidate.

[2]* * * * * * * *

Serial No.

FORM C

(*See* Chapter I, rule 26)

TENDERED VOTES LIST.

Polling Station.

Name of ward	Name of elector	Number on election roll	Number of votes recorded	Signature or thumb impression of elector

1. Entry 1 was substituted for the original by Mah. 26 of 1967, s. 4(*b*)(*i*).
2. Entry 4 was deleted, *ibid*., s. 4(*b*)(*ii*).

FORM D

(*See* Chapter I, rule 27).

List of Challenged Votes.

Signature Sheet No.

Number on election roll	Name	Signature of elector, if literate or thumb-impression of elector, if illiterate	Name of identifier, if any

Order of Presiding Officer (in each case).

FORM E.

(*See* Chapter I, rule 29.)

Certificate entitling a presiding officer, polling officer or polling agent [1] *[other public servant] to vote at the polling station where he is appointed for duty.*

A B being duly registered as elector No. on the election roll of the Ward and being duly appointed for duty as presiding officer / polling officer / polling agent / [2][other public servant] at polling station is entitled to record his vote at polling station

Dated

[1] These words were inserted by Mah. 24 of 1979, s. 2(*2*)(*a*).
[2] These words were inserted, *ibid*., s. 2(*2*)(*b*).

FORM F

(*See* Chapter I, rule 31)

Form of Statement to Accompany Returns of Presiding Officers.

Name of Ward

Name of Polling Station

Total numbers of election for the polling station as shown on election roll. (1)	Total number of ballot papers entrusted to presiding officer. (2)	Total number of ballot papers used. (3)	Account of used ballot papers			Balance that should be in ballot box. (7)	Number of unused ballot papers. (8)	Number of ballot boxes used. (9)
			Used for the votes of polling and presiding officers and polling agents entitled to vote at another polling station (rule 29). (4)	Tendered ballot papers (rule 26). (5)	Spoilt ballot papers (rule 28). (6)			

Column 1.— Give total of the names on the election roll for your polling station.

Column 2.— Give total number of ballot papers received by you from the Commissioner.

Column 3.— Count the counterfoils of the issued ballot papers and enter that number.

Column 4.— Total of the counterfoils of ballot papers used by the presiding and polling officers and polling agents entitled to vote at another polling station.

Column 5.— Total of the counterfoils of tendered votes; these counterfoils will be blank; the total in form C must tally with this total.

Column 6.— Total of the counterfoils marked cancelled (rule 28) checked with the total number of spoilt papers with the presiding officer.

Column 7.— Deduct from total in column 3 the sum of the totals in columns 4, 5 and 6.

Column 8.— Count unused ballot papers and enter this total.

[1] * * * * *

FORM H

(*See* Chapter VIII, rule 42)

Form of Warrant of Distress or Attachment.

To

(Here insert the name of the officer charged with the execution of the Warrant).

* Here describe the tax.

Whereas A. B., of the , has not paid, or shown sufficient cause to my satisfaction for the non-payment of, the sum of due for the tax* mentioned in the margin for the half-year (or quarter) commencing (*or* terminating) on the day of 20 ; although the said sum has been duly demanded in writing from the said A. B., and fifteen days have elapsed since the service of the notice of demand;

This is to command you to $\frac{\text{distrain the moveable property}}{\text{attach any property}}$ of the said A.B.

(*or*, as the case may be, any moveable property on the premises in respect of which the said tax is due) to the amount of the said sum of , and such further sum as may be sufficient to defray the cost of recovering the said amount; and forthwith to certify to me together with this warrant all particulars of the $\frac{\text{property attached}}{\text{moveable property distrained.}}$ by you thereunder.

Dated this day of 20 .

(Signed)

Municipal Commissioner for the City of

[1] Form G was deleted by Mah. 10 of 2010, s. 42.

FORM I

(*See* Chapter VIII, rules 46 and 49)

To

A.B.

residing at

Take notice that I have this day seized the moveable property specified in the inventory beneath this, for the sum of due for the tax mentioned in the margin* for the half-year (or quarter) commencing (*or* terminating) on the day of 19 ; and that unless you pay into the municipal office at the amount due, together with the costs of recovery, within five days from the day of the date of this notice, the moveable property will be sold.

* Here describe the tax.

Dated this day of 19 .

(Signature of the officer executing the warrant.)

Inventory.

(Here state particulars of the moveable property seized.)